MASSACHUSETTS.

Ermina L. Evans, to be postmaster at Ashburnham, in the county of Worcester and State of Massachusetts, in place of Ermina L. Evans. Incumbent's commission expired February 14, 1903.

MICHIGAN.

Horace L. Delano, to be postmaster at Muskegon, in the county of Muskegon and State of Michigan, in place of Sylvester H. Gray. Incumbent's commission expired February 14, 1903.

Herbert E. Lindsley, to be postmaster at Clinton, in the county of Lenawee and State of Michigan, in place of Herbert E. Lindsey, to correct name.

Edwin J. March, to be postmaster at Hillsdale, in the county of Hillsdale and State of Michigan, in place of Edwin J. March. Incumbent's commission expires February 20, 1903.

MONTANA.

L. V. Bogy, to be postmaster at Chinook, in the county of Choteau and State of Montana. Office became Presidential July 1, 1901.

NEVADA.

James C. Doughty, to be postmaster at Tuscarora, in the county of Elko and State of Nevada. Office became Presidential October 1, 1902.

NEW YORK.

George E. Johnson, to be postmaster at North Tarrytown, in the county of Westchester and State of New York, in place of George E. Johnson. Incumbent's commission expired February 10, 1903.

John J. Taylor, to be postmaster at Cornwall on the Hudson, in the county of Orange and State of New York, in place of John J. Taylor. Incumbent's commission expires March 3, 1903.

James A. Wilson, to be postmaster at Sacket Harbor, in the county of Jefferson and State of New York, in place of James A. Wilson. Incumbent's commission expired January 28, 1903.

OHIO.

Seward L. Bowman, to be postmaster at Lorain, in the county of Lorain and State of Ohio, in place of Seward L. Bowman. Incumbent's commission expires March 3, 1903.

Homer S. Kent, to be postmaster at Chagrin Falls, in the county of Cuyahoga and State of Ohio, in place of Homer S. Kent. Incumbent's commission expired February 15, 1903.

H. B. Wisner, to be postmaster at Berea, in the county of Cuyahoga and State of Ohio, in place of George A. Hubbard. Incumbent's commission expired July 7, 1902.

PENNSYLVANIA.

William P. Bach, to be postmaster at Pottstown, in the county of Montgomery and State of Pennsylvania, in place of William P. Bach. Incumbent's commission expired January 31, 1903.

Charles Crouse, to be postmaster at Wyoming, in the county of Luzerne and State of Pennsylvania, in place of Charles Crouse. Incumbent's commission expires March 3, 1903.

SOUTH DAKOTA.

William W. Downie, to be postmaster at Milbank, late Millbank, in the county of Grant and State of South Dakota, in place of Henry G. C. Rose. Incumbent's commission expired February 15, 1903.

TEXAS.

Seth B. Strong, to be postmaster at Houston, in the county of Harris and State of Texas, in place of Seth B. Strong. Incumbent's commission expired July 4, 1902.

WEST VIRGINIA.

Alice Keller, to be postmaster at Romney, in the county of Hampshire and State of West Virginia, in place of John F. Keller, deceased.

WISCONSIN.

Leonard H. Kimball, to be postmaster at Neenah, in the county of Wennebago and State of Wisconsin, in place of Leonard H. Kimball. Incumbent's commission expires March 3, 1903.

WYOMING.

Frank S. Smith, to be postmaster at Lander, in the county of Fremont and State of Wyoming, in place of James A. McAvoy. Incumbent's commission expired February 10, 1903.

WITHDRAWAL.

Executive nomination withdrawn February 16, 1903.

Henry Fuellhart, to be postmaster at Tidioute, in the State of Pennsylvania.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 16, 1903.

SECRETARY OF COMMERCE AND LABOR.

George B. Cortelyou, to be Secretary of Commerce and Labor.

INDIAN INSPECTOR.

James McLaughlin, of North Dakota, to be an Indian inspector.

INDIAN AGENT.

Harry E. Wadsworth, of Wyoming, to be agent for the Indians of the Shoshone Agency in Wyoming.

APPOINTMENT IN THE NAVY.

Stewart E. Barber, a citizen of Maryland, to be an assistant paymaster in the Navy, from the 13th day of February, 1903.

INDIAN COMMISSIONER.

William E. Stanley, of Kansas, to be a commissioner to negotiate with the Indians of the Cherokee, Choctaw, Chickasaw, Muscogee (or Creek), and Seminole nations, under the provisions of the act of Congress approved March 3, 1893 (27 Stat., p. 645).

POSTMASTERS.

CALIFORNIA.

Theodore W. Leydecker, to be postmaster at Alameda, in the county of Alameda and State of California.

A. Bradford, to be postmaster at Haywards, in the county of Alameda and State of California.

Thomas E. Knox, to be postmaster at Livermore, in the county of Alameda and State of California.

W. L. Williams, to be postmaster at Madera, in the county of Madera and State of California.

Charles Harris, to be postmaster at Merced, in the county of Merced and State of California.

Fred M. Kelly, to be postmaster at Needles, in the county of San Bernardino and State of California.

NEW JERSEY.

James E. Cook, to be postmaster at Manasquan, in the county of Monmouth and State of New Jersey.

NEW YORK.

John G. Williams, to be postmaster at Granville, in the county of Washington and State of New York.

John B. Alexander, to be postmaster at Oswego, in the county of Oswego and State of New York.

John I. Traphagen, to be postmaster at Sufferin, in the county of Rockland and State of New York.

Charles W. Harding, to be postmaster at Whitehall, in the county of Washington and State of New York.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 16, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, February 14, 1903, was read and approved.

THE RECORD.

Mr. STEELE. Mr. Speaker, I rise at this time to call up the matter of the speech of the gentleman from Massachusetts [Mr. CONRY], which, by unanimous consent of the House, went over from last week until this morning.

The SPEAKER. That is in order. The gentleman from Indiana asks unanimous consent that the speech referred to by him, printed by the gentleman from Massachusetts [Mr. CONRY], be expunged from the RECORD. Is there objection?

Mr. CONRY. Mr. Speaker, I ask at this time unanimous consent to make a brief statement in regard to the particular speech to which the gentleman from Indiana has referred.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to make a brief statement in regard to this matter. Is there objection?

There was no objection.

Mr. CONRY. Mr. Speaker, on Saturday, February 7, I handed in to the Clerk a speech, to be printed, as I understood, under the rule that had been adopted by the House granting general leave to print. I subsequently found, when the matter was called to my attention, that the rule which had been adopted by the House granting general leave to print restricted the general leave to speeches pertinent to the bill under consideration at that time. The speech which I had inserted had no reference whatever to the bill which was then under consideration. Inasmuch as it was handed in under a misapprehension of the rule and not having any desire to violate any rule adopted by the House, at this time I ask unanimous consent that leave be granted me to withdraw the speech printed at that time.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none and consequently the RECORD is changed in accordance with that request.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

QUESTION OF PRIVILEGE.

Mr. LITTLEFIELD. Mr. Speaker, I rise to a question of personal privilege. I do not notice that the gentleman from New York [Mr. SULZER] is in his seat, although at half past 9 this morning I sent a telegram to his Washington address asking him to be here at the opening of the session to-day. There is a matter, however, that appears in the RECORD, to which my attention was first called on Saturday afternoon, and I first saw the RECORD after adjournment. The nature of it is such that I feel I ought to call the attention of the House to it at the earliest moment, at least, that it reaches my attention. The gentleman from New York [Mr. SULZER] on Friday made a speech in continuation of a reply to a speech made by myself on the Saturday preceding. In opening his speech he said:

Mr. Speaker——

Mr. RICHARDSON of Tennessee. Will the gentleman from Maine yield just for a moment?

Mr. LITTLEFIELD. Yes.

Mr. RICHARDSON of Tennessee. I am informed, after hearing the gentleman's statement, that he notified the gentleman from New York [Mr. SULZER] this morning at half past 9 that he would make some comments on his remarks——

Mr. LITTLEFIELD. I simply asked him to be present this morning.

Mr. RICHARDSON of Tennessee. Well, I am informed that the gentleman from New York is in New York, and it is impossible for him to be here this morning. I simply give the gentleman that information.

Mr. LITTLEFIELD. I think, then, with the consent of the House, I should rather call the matter to the attention of the House in the presence of the gentleman from New York [Mr. SULZER]; that is, when he is here.

Mr. RICHARDSON of Tennessee. That is the reason I gave the gentleman the information.

Mr. LITTLEFIELD. I thank the gentleman from Tennessee. That being the case, if the Speaker please, I will let the matter go over until the gentleman from New York is present.

The SPEAKER. With the consent of the House, the matter will go over until called up by the gentleman from Maine. The Chair hears no objection.

BRIDGE AT ST. LOUIS, MO.

Mr. KERN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. KERN. I desire to present a privileged resolution.

The SPEAKER. This being committee suspension day, the Chair has promised to recognize the gentleman from Pennsylvania [Mr. WANGER].

Mr. RICHARDSON of Tennessee. Mr. Speaker, as I understand it, the gentleman's matter is one of the highest privilege.

The SPEAKER. The gentleman did not so state.

Mr. KERN. It is a privileged resolution, calling on an executive department for information.

The SPEAKER. Let the resolution be reported.

Mr. RICHARDSON of Tennessee. It is a privileged resolution.

The Clerk read as follows:

Whereas "An act authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county," passed by this Congress, was approved by the President March 3, 1897; and

Whereas an act amending the said act was passed by the House of Representatives and Senate of the United States and approved by the President of the United States on February 27, 1901; and

Whereas in the said act authority to construct said bridge was granted to a corporation designated the East St. Louis and St. Louis Bridge and Construction Company of the city of East St. Louis, of the county of St. Clair and State of Illinois; and

Whereas the said East St. Louis and St. Louis Bridge and Construction Company of the city of East St. Louis, of the county of St. Clair and State of Illinois, has failed to construct the bridge authorized and provided for in the act and amendatory act hereinabove described, or commenced the construction of the said bridge; and

Whereas it is currently reported that the said East St. Louis and St. Louis Bridge and Construction Company of the city of East St. Louis, of the county of St. Clair and State of Illinois, has transferred the rights and privileges granted to it under the provisions of the act and amendatory act herein described to an interested corporation, thus forming a pool with the said interested and competitive corporation effectually preventing the construction of the bridge provided for in the act and amendatory act herein described: Therefore, be it

Resolved, That the Secretary of War be instructed to obtain and furnish to this House full information with relation to the existing conditions concerning the progress of the construction of the bridge authorized to be constructed by the act and amendatory act hereinabove described; and be it further

Resolved, That the Secretary of War be especially instructed to ascertain whether the said East St. Louis Bridge and Construction Company of the city of East St. Louis, of the county of St. Clair and State of Illinois, has transferred to some individual or some other corporation the rights and privileges granted to it under the provisions of the act and amendatory act hereinabove described, for the purpose of preventing competition or forming a pool or trust, and to report the information which he may obtain with regard to this alleged transaction to this House in full and in detail.

Mr. RICHARDSON of Tennessee. Mr. Speaker, as I understand it, this resolution has been before the committee for more than one week, calling for information, and the committee has not reported it, and under the rule it is privileged.

Mr. PAYNE. It seems to me that there is matter in that resolution that is not privileged, and under the rule that would effect the whole resolution. There is an instruction to the Secretary of War to do certain things.

Mr. RICHARDSON of Tennessee. It just calls on the Secretary of War for information concerning the bridge.

The SPEAKER. It does more than that, the Chair will state. It instructs the Secretary of War to make an investigation. That certainly can not be privileged under the rule of the House. The Chair thinks the point of order made by the gentleman from New York is well taken.

Mr. RICHARDSON of Tennessee. Mr. Speaker, if I may be pardoned a moment—I do not want to take the time of the House—but is not the instruction to the Secretary of War simply to obtain and furnish to the House information in relation to the existing conditions?

Mr. KERN. That certainly is the intention, Mr. Speaker.

The SPEAKER. One is to give information and the other instructs him to do certain things. The latter part certainly can not be privileged, and that destroys the privileged character of the whole resolution.

AUTOMATIC COUPLERS, ETC.

Mr. WANGER. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move to suspend the rules and pass the bill S. 3560, with the amendments.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the following bill, which the Clerk will report:

The bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, was read, as follows:

Be it enacted, etc., That the provisions and requirements of the act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, shall be held to apply to common carriers by railroads in the Territories and the District of Columbia; and the provisions and requirements hereof and of said acts relating to automatic couplers, grab irons, and the height of drawbars shall be held to apply to all locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate commerce, and in the Territories and the District of Columbia, and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith, excepting those trains, cars, and locomotives exempted by the provisions of section 6 of said act of March 2, 1893, as amended by the act of April 1, 1896, or which are used upon street railways.

SEC. 2. That whenever, as provided in said act, any train is operated with power or train brakes, not less than 50 per cent of the cars in such train shall have their brakes used and operated by the engineer of the locomotive drawing such train; and all power-braked cars in such train which are associated together with said 50 per cent shall have their brakes so used and operated; and, to more fully carry into effect the objects of said act, the Interstate Commerce Commission may, from time to time, after full hearing, increase the minimum percentage of cars in any train required to be operated with power or train brakes which must have their brakes used and operated as aforesaid; and failure to comply with any such requirement of the said Interstate Commerce Commission shall be subject to the like penalty as failure to comply with any requirement of this section.

SEC. 3. That the provisions of section 1 of this act shall not take effect until July 1, 1903, and the provisions of section 2 of this act shall not take effect until ninety days after the passage of this act. Nothing in this act shall be held or construed to relieve any common carrier, the Interstate Commerce Commission, or any United States district attorney from any of the provisions, powers, duties, liabilities, or requirements of said act of March 2, 1893, as amended by the act of April 1, 1896; and all of the provisions, powers, duties, requirements, and liabilities of said act of March 2, 1893, as amended by the act of April 1, 1896, shall, except as specifically amended by this act, apply to this act.

Mr. WANGER. The Clerk, I think, has read from the print of the bill reported by the committee. Since that time the committee has authorized committee amendments, and those amendments are set out in the typewritten sheet.

The SPEAKER. The Clerk will read the amendments.

Mr. RICHARDSON of Tennessee. Do I understand these are amendments offered by the committee or by the gentleman himself?

Mr. WANGER. By the committee.

The amendments were read, as follows:

On page 2, after the word "ninety-six," in line 12, strike out all of the remainder of section 1 and insert the following: "or which are used upon street railways."

Strike out all of section 2 and insert the following:

"SEC. 2. That whenever, as provided in said act, any train is operated with power or train brakes, not less than 50 per cent of the cars in such train shall have their brakes used and operated by the engineer of the locomotive drawing such train, and all power-braked cars in such train which are associated together with said 50 per cent shall have their brakes so used and operated: *Provided*, That the Interstate Commerce Commission may, upon

application and after full hearing, decrease said minimum percentage as to any common carrier for a stated limited time: *And provided*, That in no case shall such reduction permit the running of any train with less power or train brakes than are required by section 1 of the act of March 2, 1893; and, to more fully carry into effect the objects of said act, the Interstate Commerce Commission may, from time to time, after full hearing, increase the minimum percentage of cars in any train required to be operated with power or train brakes which must have their brakes used and operated as aforesaid; and failure to comply with any such requirement of the said Interstate Commerce Commission shall be subject to the like penalty as failure to comply with any requirement of this section."

On page 5, in line 14, in section 3, after the word "provisions," strike out the words "of section one;" and in line 15, on page 3, strike out the word "January," and insert the word "September;" and on page 3, strike out all after the word "three," in line 16, and insert the following:

"Nothing in this act shall be held or construed to relieve any common carrier, the Interstate Commerce Commission, or any United States district attorney from any of the provisions, powers, duties, liabilities, or requirements of said act of March 2, 1893, as amended by the act of April 1, 1896; and all of the provisions, powers, duties, requirements, and liabilities of said act of March 2, 1893, as amended by the act of April 1, 1896, shall, except as specifically amended by this act, apply to this act."

Mr. RYAN. Mr. Speaker, I demand a second.

Mr. WANGER. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, Mr. Speaker, we would like to have order. We can not hear anything.

The SPEAKER. The House will be in order.

Mr. WANGER. Mr. Speaker, the purpose of this act is to make more efficient the provisions of the act of March 2, 1893, for the promotion of the safety of employees upon railways. It has been held by some courts that the tender of a locomotive is not a car and is therefore not affected by the provisions of the act. It has also been held that the act only applies to cars in interstate movement, and cars are very frequently, although generally designed for and used in the movement of interstate traffic, yet they are very frequently in use which is not interstate movement that requires the services of operatives upon them. Whenever an action for damages is brought by reason of the death or injury of a railroad employee, of course every defense is made, and although the car may not be equipped as directed by the act of Congress, yet that direction, as it stands, only applies when the car is being used in the movement of interstate commerce; therefore the burden is on the plaintiff in every such action to establish that fact, and is frequently an impossibility, because frequently the injury or death does not happen when the car is so engaged in interstate commerce.

It is therefore of the highest importance to make the act of Congress, as everybody supposed it would be, effective so far as we have the power and authority, for the protection of employees by requiring the equipment referred to in the act on all cars used on railways engaged in interstate commerce. That is the purpose of the first section of the bill. The purpose of the second section is to require a more general and uniform use of air and air brakes, so as to have less need for the operation of hand brakes. The present act, as I recollect it, is that there must be sufficient air-braking apparatus used to enable the engineer to control the train. That, of course, differs, perhaps, in the judgment of every engineer. Therefore it seems appropriate that there should be a certain percentage of the cars of every train required to be operated by air brakes, whether it is actually essential for the proper control of he train or not.

It may be said that the railroad companies have made great progress in equipping their trains with air-braking appliances; but, as explained by Mr. Albert W. Sullivan before our committee, there are many appliances besides those on the cars which are necessary to maintain their efficiency. Every yard where the brakes are to be tested must be supplied with pipes and with air, and of course only in the great centers are those appliances to be found in perfection. Therefore it will be a great step in advance of present conditions to require this use of air-brake appliances; and it must then, of course, be kept in an efficient condition. In order that no hardship, unreasonable hardship, may result to anybody, and that there may be no paralysis of the commerce of the country, the bill provides that the Interstate Commerce Commission upon application may, for a specified limited time, reduce the minimum number of cars specified in the act as essential to be so operated. I do not see why there should be any opposition from any interests to the enactment of the measure, unless it is that the provision requiring the use of air may be regarded as too drastic and as really greater than is necessary for the safety of the employees.

Mr. STEPHENS of Texas. Will the gentleman permit a question?

Mr. WANGER. Yes.

Mr. STEPHENS of Texas. I see that the gentleman says in the report that 50 per cent of the cars are to have air brakes.

Mr. WANGER. To be used.

Mr. STEPHENS of Texas. Yes; to be used. What change does that make in the existing law?

Mr. WANGER. The existing law does not designate any percentage; it requires a sufficient number for the engineer to control the train.

Mr. STEPHENS of Texas. What is the custom?

Mr. WANGER. The custom varies from nothing to 100 per cent in the actual operation of the trains. Where air is used, I see from a hasty glance at the reports from the inspectors, that from five to ninety odd per cent is actually used.

Mr. STEPHENS of Texas. Does not the gentleman think in mountainous countries it would require a great many more air brakes?

Mr. WANGER. In mountainous districts it would require considerably more, undoubtedly, than is necessary in level countries. The gentleman whom I have mentioned—Mr. Sullivan, a very intelligent and competent judge of the situation—says that in prairie countries probably 20 per cent would be sufficient; in the country traversed by the Illinois Central, 30 per cent, and in the more mountainous countries a higher percentage.

Mr. STEPHENS of Texas. Does the gentleman think that 50 per cent is high enough in mountainous countries?

Mr. WANGER. Fifty per cent might not; but this act provides that nothing in it shall interfere with the requirement of the original act that sufficient shall be used to control the operation of the train.

Mr. STEPHENS of Texas. Then this will not change the existing law?

Mr. WANGER. Not in that respect. Now, Mr. Speaker, I reserve the balance of my time and I yield to the gentleman from New York [Mr. RYAN].

Mr. GAINES of Tennessee. Will the gentleman allow me a question? What does the present law require?

Mr. WANGER. I have just stated that the present law does not designate any percentage. It says sufficient to enable an engineer to control the train. That, of course, differs in different sections of the country.

Mr. GAINES of Tennessee. This bill says it shall not be less than 50 per cent, and may be more, in the discretion of the engineer.

Mr. WANGER. Yes; it must be sufficient to control the train.

The SPEAKER. The gentleman from Pennsylvania reserves the balance of his time and yields to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, I am in favor of this bill as reported by the Committee on Interstate and Foreign Commerce on December 19 last. I also agree to the amendment now proposed to section 3, providing that this act shall not take effect until September 1, 1903. To this there is no objection from the advocates of this legislation. The part that I do object to is the amendment to section 2, submitted to-day, which provides—

That the Interstate Commerce Commission may, upon application and after a full hearing, decrease said minimum percentage as to any common carriers for a stated limited time, and provided that in no case shall such reduction permit the running of any train with less power or train brakes than are required by section 1 of the act of March 2, 1893.

Mr. Speaker this act, known as the safety appliance law, is entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes." This law requires that every train shall have a sufficient number of cars equipped with power brakes to enable the engineer to control the train, but it does not require that all cars so equipped shall be operated from the engine.

The object of section 2 of this bill was to provide a minimum percentage of cars equipped with power brakes to be operated by the engineer, and also to provide for such operation of all cars equipped with power brakes that are associated together.

Mr. Speaker, after a full hearing on this bill before a subcommittee of the Senate Committee on Interstate Commerce, a recommendation was made that the minimum be placed at 75 per cent. The committee, however, reported to the Senate recommending 65 per cent of the cars in all trains be operated with power or train brakes, and the bill passed the Senate unanimously with this provision.

A bill was reported to this House by the Committee on Interstate and Foreign Commerce, of which I have the honor to be a member, on June 17, 1902, placing the minimum at 65 per cent. Objection was entered against consideration. A further concession was made by the advocates of this legislation, placing the minimum at 50 per cent and requiring that all other cars equipped with power brakes and associated together shall be operated from the engine.

Mr. Speaker, another concession is now demanded, namely, that the Interstate Commerce Commission be given authority, after

hearing, to still further reduce the minimum. I do not believe that this is necessary. The Commission has authority now to suspend the operation of the law, under certain conditions, and has exercised this power on three occasions. While I have every confidence in the honesty and the justice with which they have acted in the performance of their duties, no reason has been advanced why this additional authority should be given.

Mr. Speaker, as to the number of cars in the United States provided with air brakes, the report of the Interstate Commerce Commission for the year ending June 30, 1901, shows that 72.58 per cent of all cars are provided with power brakes; it was also shown at the hearings in the Senate that on January 1, 1902, 76½ per cent of all freight cars in the country were equipped with air brakes, and at the present time the percentage is greater, as all new cars are thus provided. This being the case, Mr. Speaker, it would not work any hardship on the railroad companies to comply with this law, and there is no necessity for reducing the minimum below 50 per cent.

In a statement presented to the Committee on Interstate and Foreign Commerce, February 25, 1902, by Mr. H. R. Fuller, legislative representative of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen, the Order of Railway Conductors, the Brotherhood of Railroad Trainmen, and the Order of Railroad Telegraphers the following appears:

(4) While the law requires that each train shall have a sufficient number of cars equipped with power brakes so as to enable the engineer to control its speed, it does not require that the brakes on all cars so equipped shall be operated.

Many arguments can be produced to show why the power brakes on all cars in a train should be operated, but I will only briefly give what I think are the main reasons for so doing:

If only a portion of the equipped cars are operated, trainmen are exposed to great danger arising from the breakage of an air hose or a coupling between the cars so braked, which causes an instantaneous and extremely powerful application of the power brakes, which causes the front cars in the train to quickly slacken speed and stop and the other cars behind them which are not braked to rush forward against them, thus causing a severe shock, which often wrecks the train and jars the trainmen off and injures them, and in some cases they fall under the wheels and are killed. If the brakes on all of the cars were operated this would not be so, for the brakes would be applied equally all over the train, and the cars on the rear end would slacken their speed just as quickly as those on the front end, and thus prevent their running forward against the front cars and producing the shock just described. There is no way for trainmen to escape these injuries, for they are still required by the companies to ride out on the tops of trains, and when one of these shocks comes, it comes to them without warning, for the noise of the running train, together with darkness at night, prevents them from detecting any trouble ahead.

Wrecks caused in this way do not only cause injury to the trainmen on the train which is wrecked, but also on double-tracked roads the opposite track is immediately blocked with wrecked cars, thus endangering not only the lives and limbs of trainmen, but passengers as well who may be on trains approaching on the opposite track which can not be stopped before striking the obstruction. I personally know of several bad wrecks of this character myself.

Another reason is that on some hilly roads trainmen are not allowed by the companies to operate a sufficient number of power brakes to handle trains on grades, although all cars in a train are so equipped, and they are compelled to go upon the tops of cars and set the hand brakes. The men complain of this to the officers, but the result is only an argument between the two sides, the officers claiming that the number of power brakes used were sufficient to hold the train, while the men argue to the contrary. Of course this is a direct violation of the law as it now stands, but it is thought section 2 of this bill will remove any cause for argument whatever on this point.

The recent reports of the Commerce Commission show that the number of injuries received by trainmen by falling from trains is on the increase, and there is no question in my mind but that much of this increase is due to this cause.

The following is a table taken from the Commission's last report, showing the number of men killed and injured by falling from trains since 1897:

Accidents caused by falling from trains and engines.

Year ending June 30—	Total number of employees.	
	Killed.	Injured.
1897	408	3,627
1898	473	3,859
1899	459	3,970
1900	529	4,425

In asking for the passage of section 2 we do not ask that all cars shall be equipped with power brakes. We only ask that when they are so equipped they shall be operated; and it can not be successfully argued that this will be burdensome on the roads, nor hamper them in the operation of their business; and it is only in keeping with the spirit of the law at present, for it is reasonable to suppose that Congress intended that all cars so equipped should be operated. This is evidenced by the language of section 3 of the act, which gives the right to any road to refuse to receive from any other road any car which is not equipped with such power brakes after it itself had equipped enough of its own cars so as to comply with the law.

According to the best expert testimony it is more economical to operate all of the power brakes in a train. Even the representatives of the roads themselves admit this.

Mr. RICHARDSON of Alabama. Will the gentleman permit me an inquiry?

Mr. RYAN. Certainly.

Mr. RICHARDSON of Alabama. Does the gentleman understand that the amendment offered by the gentleman from Pennsylvania [Mr. WANGER] was or was not authorized by the Committee on Interstate and Foreign Commerce?

Mr. RYAN. It was authorized by the committee at its last meeting.

Mr. RICHARDSON of Alabama. So I understood. But I understood the gentleman from New York [Mr. RYAN] to state differently—that it was not authorized.

Mr. RYAN. This amendment was agreed to by the committee at the last meeting.

Mr. RICHARDSON of Alabama. Unanimously agreed to?

Mr. RYAN. No; not unanimously. I did not agree to it for one; the gentleman from Missouri [Mr. SHACKLEFORD] did not agree to it for another.

Mr. RICHARDSON of Alabama. Did not the gentleman in committee understand that that was acceptable to all parties interested, and was accordingly reported, without any direct vote being called for? No member of the committee present voted against the amendment, because it was reported as satisfactory to all parties.

Mr. RYAN. That statement was made in committee; but I understand it was not borne out by the facts, as is shown by the following telegrams received since adjournment of the committee:

ST. LOUIS, MO., *February 10, 1903.*

H. R. FULLER,
The Raleigh Hotel, Washington, D. C.:

The Brotherhood of Railroad Trainmen, representing over 50,000 train and yard men, protests against amendment made to S. 3560, giving the power to the Interstate Commerce Commission to reduce the minimum percentage of air to be used in trains as per requirements of bill. We desire the bill passed without such amendment.

B. H. MORRISSEY,
Grand Master.

ST. LOUIS, MO., *February 10, 1903.*

H. R. FULLER,
Legislative Representative, Raleigh House, Washington, D. C.:

The amendment to safety-appliance bill offered by House committee authorizing Interstate Commerce Committee to reduce minimum number of air brakes used in trains would certainly meet with the unanimous disapproval of members of this organization, and I hope you will enter an emphatic protest against it.

H. B. PERHAM,
President the Order of Railroad Telegraphers.

But that is neither here nor there; it has no bearing on this proposition.

Mr. DALZELL. Does not the gentleman from New York [Mr. RYAN] think that although this bill may not be in the exact shape he would like, it is desirable to pass it at this time and allow it to go to conference?

Mr. RYAN. There is not any doubt of that, Mr. Speaker; I will reach that point very soon.

Mr. Speaker, I wish to ask unanimous consent that this House be given an opportunity to vote on the amendment proposed to section 2 of this bill.

Mr. WANGER. I object.

Mr. RYAN. Mr. Speaker, I ask that my request be submitted.

The SPEAKER. What is the gentleman's request?

Mr. RYAN. That the House be given an opportunity to vote separately on this particular amendment to section 2, granting power to the Interstate Commerce Commission to reduce the minimum after hearing.

The SPEAKER. To that request the gentleman from Pennsylvania [Mr. WANGER] has objected.

Mr. RYAN. Then I ask, in this connection, that we add to this amendment the words which I send to the desk, beginning after the letter "three in line five."

The Clerk read as follows:

Provided, That the Interstate Commerce Commission may, upon application and after full hearing, decrease said minimum percentage as to any common carrier for a stated limited time; *And provided*, That in no case shall such reduction permit the running of any train with less power or train brakes than are required by section 1 of the act of March 2, 1893, nor release any common carrier from operating the power or train brakes on all cars which are associated together in each train hereinbefore required.

Mr. WANGER. I object.

Mr. RYAN. It is not my desire to place any obstruction in the way of this bill. I wish only to obtain the best bill I can, knowing that the lives and limbs of thousands of railroad employees in the United States depend on it. It seems to me that with over 75 per cent of all freight cars equipped with air brakes it would be easy to operate a minimum of 50 per cent on all trains. I have been informed that the amendment to section 2 does not mean anything, but if that is so, why put it in?

The safety-appliance law has done a great deal of good for railroad men, and to bear out this statement I submit the following extracts from pages 8 and 9 of Bulletin 1 of the Interstate Commerce Commission, covering the period from July 1 to October 1, 1902:

Among the deaths and injuries to employees shown in Table No. 1 (including some which are shown in subclasses in Table No. 4) there are 130 cases that are evidently due to operating trains in which air brakes were used on only a portion of the cars. Of killed there were 4 and of injured 126, nearly

all being brakemen. The total number of collisions and derailments classed as due (1) to rupture or failure of air-brake hose (or other defect in air-brake apparatus, causing automatic application of brakes) and (2) to accidental uncoupling of cars, causing automatic application, is 205, causing damage to the extent of $88,612. The 130 casualties occurred partly in these collisions and derailments and partly in similar mishaps which were not of sufficient importance, as train accidents, to be reported as such.

The element of danger in a train "partially air braked" lies in the fact that a quick stoppage of the cars in the front of the train (by air pressure) for any reason, causes the unbraked cars at the rear to crowd forward against those in front with such force that violent shocks are caused. With all cars equally braked, all will stop in unison, or nearly so.

The above total, 130, includes only those cases which clearly come within this class. There are many other accidents, no doubt, classed as "falling from cars," in which the injuries are partly due to violent movements of cars which would not occur if all the cars in the train were under the full control of the engineman by means of his air-brake valve.

Also the following statement, made before the Senate Committee on Interstate Commerce:

Mr. MOSELEY. Yes, sir; each railroad makes a report of every accident on its line.

Senator FORAKER. And you mean that that appears from those reports?

Mr. MOSELEY. Yes, sir; I wanted the committee fully to understand what the law of 1893 has really done. At that time the railroads required their men to go in between cars to couple and uncouple. In 1893, of the men who were employed in coupling and uncoupling cars, 310 were killed and 8,753 were injured. But in 1901 there were but 163 killed and 2,370 injured. So that there were 147 fewer men killed and 6,383 fewer men injured in 1901 than in 1893, when the law was passed, and at the same time there were 4,000 more men employed in 1901 than there were in 1893.

Mr. Speaker, while we would like to have a separate vote on the amendment to section 2, and would prefer to have the bill without that amendment, still, because of the necessity of having section 1 enacted into law and on account of the many other good features of this measure, we will vote for it as presented.

Mr. Speaker, I ask unanimous consent to publish with my remarks certain statements and some tables—not very lengthy—to prove the statements that I have made.

The SPEAKER. The gentleman from New York [Mr. RYAN] asks unanimous consent to extend his remarks in the RECORD and to insert certain tables.

Mr. SHATTUC. I object.

Mr. RICHARDSON of Tennessee. I hope the gentleman will not object. The request is simply for the privilege of extending remarks in the RECORD.

Mr. RYAN. Well, then, Mr. Speaker, I will read the statements.

Mr. RICHARDSON of Tennessee. It is very unusual to object to such a request.

Mr. WANGER. I hope the gentleman from Ohio [Mr. SHATTUC] will withdraw the objection.

Mr. SHATTUC. If gentlemen will let me exercise my own judgment, I will withdraw it; but I do not want to be requested in this way.

The SPEAKER. Does the gentleman withdraw his objection? The Chair did not understand.

Mr. SHATTUC. I do withdraw my objection.

The SPEAKER. The gentleman from Ohio withdraws his objection. The privilege requested by the gentleman from New York is granted.

Mr. RYAN. I reserve the balance of my time.

Mr. WANGER. I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, in the first place, I want to make a statement in regard to the parliamentary position of this bill and explain a misunderstanding that has grown up throughout the country among certain parties representing organized labor in regard to the place where this bill has been since its passage in the Senate and the delay that they complain of in regard to its being brought forward in the House. Hundreds of telegrams from various parts of the country, extending from San Francisco to Portland, have come to the Committee on Rules, requesting, suggesting, and demanding that the committee bring this bill before the House. Now, I wish to say that there has never been a proposition before the Committee on Rules relating to this bill. No resolution has ever been there to fix a time for the hearing on this bill.

The Committee on Rules has never had any jurisdiction of this bill. A complete misunderstanding has been disseminated throughout the labor organizations of the country which has led to enormous expense on their part in telegraphing to us in regard to the bill. So much for the misunderstanding that has grown up with regard to that feature of the parliamentary situation of the bill. Now, in the second place, it is a bill that, coming from the Committee on Interstate and Foreign Commerce, could come up at any time when the committee had seen fit to be ready and a call of the committee made, and I want to be understood as saying that in my judgment they have made haste to decide the great questions that have arisen. There has been no delay on the part of that committee which is inexcusable by any manner of means. That bill could come up at any time on a call of committees, and is here now upon the motion of the gentleman from Pennsylvania [Mr. WANGER] to suspend the rules and pass the bill. So much, then, for this misunderstanding.

Now, many of the labor organizations of trainmen have opposed and do oppose the amendment to which the gentleman from New York [Mr. RYAN] has spoken. I have been in very close communication with the opposition, which, I think myself, has not been always quite fully intelligent in regard to the amendment itself, about which they complain; but that is not important. They are honest and earnest. I had a conference with a representative of these bodies on Saturday evening, and while he thoroughly opposed, as strongly as does the gentleman from New York, the amendment referred to, he suggested to me what I think was a very sensible proposition—that unless the amendment could have a separate vote in the House, which I told him it certainly could not, that then in his opinion the bill better be passed as it is, as it comes from the committee, as it is recommended by the committee, with the hope, however feeble it may be or however strong it may be, that something better may be given in the committee of conference between the two Houses.

That is all I desire to say, Mr. Speaker. I have intended, first, to place the Committee on Rules in its proper position in relation to this bill, and, secondly, to point out that the bill is a ordinary bill which does not require, under existing circumstances, any rule of the committee, and, thirdly, that the men who have more closely applied themselves to my education upon this point prefer the bill would pass as it is than that it should be defeated.

Mr. WANGER. Mr. Speaker, I would ask the gentleman from New York to consume more of his time.

Mr. RYAN. Mr. Speaker, I have no request for any further time from any gentleman on this side.

The SPEAKER. The gentleman from Pennsylvania has six minutes remaining.

Mr. WANGER. Mr. Speaker, I yield two minutes to my colleague, the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, I had intended to make some observations respecting this bill from the standpoint of a member of the Committee on Rules, but the gentleman from Ohio [Mr. GROSVENOR] has so thoroughly explained the situation that I do not think it is necessary for me to say any more. Never since I have had anything to do with public affairs have I been so beset with telegrams and letters and resolutions from all parts of the country, all of them showing that there was a misapprehension as to the parliamentary status of this bill. Of course there never was any necessity for action on the part of the Committee on Rules. The Committee on Rules was never called upon or requested to take any action with respect to the bill. It is here now in its regular order, and the House has an opportunity to pass upon it. Although the bill may not contain all of the features that some gentlemen desire and may contain some features that some gentlemen do not desire, still it is in a situation where it can finally be passed upon, if passed by the House, by the committee of conference. That is all I care to say about the matter.

Mr. WANGER. Mr. Speaker, I desire to say one word more. The legislation which was desired by the gentleman to whom my friend from New York [Mr. RYAN] and my friend from Ohio [Mr. GROSVENOR] referred, authorized the Interstate Commerce Commission to entirely suspend any provision of this act as to any carrier. The only change we make is to give them authority to reduce the minimum on application, where necessary, for a stated limited time, so that the requirement of using a certain minimum instead of not going into effect at all as to certain railways under our amendment will probably go into effect as to all of them. When entering upon the consideration of this question my first impression was that no legislation could be too drastic in requiring the largest use of air, but a further study of the subject shows what I should have recognized from the start, that while theoretically the use of air through an entire train is the proper thing, yet practically it possibly involves more perils than it avoids.

Every additional car with air appliance weakens the whole. Its effectiveness depends upon its effectiveness throughout the train. The rupture of the hose of a brake in one car destroys the effectiveness of all, and each coupling of air hose adds to the danger, as operatives have to reach under the cars to do the coupling. Another thing to which I wish to direct attention is the fact that as our locomotives are equipped to-day probably comparatively few of them have sufficient air-pumps with which to operate air-brake appliances on every car in a long train, and unless they have then again are greater duties, perils, and dangers thrown upon the trainmen; so that I reiterate that in my judgment the only just criticism which can be offered to this measure is that it is too drastic in its provisions requiring the use of air. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill with the amendments of the committee.

The question being taken, the Speaker announced that, two-

thirds voting in favor of the motion, the rules were suspended and the bill was passed.

NATIONAL-BANK NOTES.

Mr. DALZELL. Mr. Speaker, I desire to submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania calls up a privileged report, which the Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 387, have considered the same and report the following in lieu thereof:

"*Resolved*, That House bill 16228, providing for the issue and circulation of national-bank notes, shall have for the remainder of this session the same privilege that the rules give to bills reported by committees under the privilege giving leave to report at any time."

Mr. DALZELL. Mr. Speaker, this rule has relation to what is known as the Fowler currency bill. The purpose of the rule is not to fix any particular time for the consideration of that bill, but to make it possible for the House to take up the bill at such time as may be the most favorable for its consideration. The purpose is not now to interrupt the proceedings that we have started on to-day. Immediately on the adoption of this rule, or its disposition by the House, as I understand, the Speaker will return to the business of suspensions.

Mr. TALBERT. Mr. Speaker, I desire to say, on behalf of the minority members of the committee, that we are ready and willing at any time to take up the bill and have it considered, but we desire ample time for the discussion of the bill.

Mr. DALZELL. There is no limitation in this rule.

Mr. TALBERT. I hope there is no disposition on the other side of the House to limit the debate. We are ready and willing to consider it.

Mr. DALZELL. There is no disposition to limit time.

Mr. TALBERT. I have not discussed this with the other members, but I suppose we would be glad now to fix a time. The minority are opposed to the passage of this bill. We have submitted nothing in its place. We just simply have presented our report, which I suppose the members have, and which speaks for itself. We have no bill to present as the minority of the committee, but we are ready and willing to proceed with the consideration of it at any time.

Mr. DALZELL. I think the gentleman misunderstood me perhaps. It is not the purpose of this rule to fix any time. The purpose of the rule is to put the bill where, when the opportunity is offered, it can be taken up.

Mr. TALBERT. And when it is presented, then arrangements will be made for time.

Mr. DALZELL. It does not interfere with the appropriation bills, conference reports, or special orders.

Mr. HEPBURN. I desire to ask the gentleman a question.

Mr. DALZELL. Certainly.

Mr. HEPBURN. If this rule is adopted, is it not true that all other business except privileged business can be displaced by this bill, that this will be the special order in the absence of others?

Mr. DALZELL. It can be called up at any time.

Mr. HEPBURN. And that no other business can be transacted except by unanimous consent?

Mr. DALZELL. Oh, yes; the question of consideration could be raised.

Mr. HEPBURN. Yes, I know; but this will have the right of way.

Mr. DALZELL. It is just like any other bill. It is in the power of the House.

Mr. HEPBURN. In other words, it will be a buffer. Everything else will have to run up against it.

Mr. DALZELL. Well, I will say to the gentleman that my information is that this bill is not going to take any particular length of time in its disposition.

Mr. HEPBURN. No; we have only two weeks left. [Laughter.]

Mr. TALBERT. I ask that the resolution be read again.

The SPEAKER. Without objection, the resolution will be again reported by the Clerk.

The resolution was again read.

Mr. TALBERT. I should like to ask the gentleman if he could not, if he saw proper, bring in another rule, limiting debate and not allowing time for debate? I want to get a promise from the gentleman.

Mr. DALZELL. I know of no such purpose. Does the gentleman from Tennessee desire to be heard?

Mr. RICHARDSON of Tennessee. I only want to yield a few minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. DALZELL. I reserve the balance of my time, Mr. Speaker.

Mr. RICHARDSON of Tennessee. All right, then I yield five minutes to the gentleman from Georgia.

Mr. DALZELL. I will yield to the gentleman from Georgia. How much time does he desire?

Mr. BARTLETT. Five minutes.

Mr. DALZELL. I yield five mintes to the gentleman.

Mr. BARTLETT. I appreciate the courtesy of the gentleman from Pennsylvania. Mr. Speaker, it is not my purpose to oppose the rule obstinately. If the majority, having the power, as they have, desire to have this bill discussed and voted upon, so far as I am individually concerned, I am content with it. I shall not vote for the rule. Very few seem to know what is the best thing to do with reference to the amending of the laws on the subject of the national-bank currency. Bankers differ among themselves what should be done. A very wise saying of the late Speaker, Thomas B. Reed, was, "When you do not know what to do, do not do it." I commend the wisdom of this saying to the majority for their consideration.

I do not believe that this is a good bill to pass, nor do I believe it is in the interest of the expansion, the proper expansion, of the currency of the country, nor does it answer the demands of the business people of the country, nor does it benefit the great masses of the people. Whatever I may have to say upon that subject I reserve to a later opportunity. I desire simply at present to correct a most erroneous impression that has recently appeared in the press with reference to this bill and the position of the minority members of the Committee on Banking and Currency. Speaking for myself, Mr. Speaker, I am opposed to this bill. I have not signed nor do I intend to sign any report which favors any pending legislation now before the House or before the Committee on Banking and Currency with reference to the expansion of the national-bank currency. I mean by that (and my position is well understood) that I favor neither the Fowler bill, the Padgett bill, the Lewis bill, nor the Pugsley bill.

Now, the suggestion has been made in the press that the minority members of the committee suggested or recommend either one of these measures as the views of the minority, to be submitted by the minority members as a substitute for the Fowler bill. That, so far as I am concerned, is entirely erroneous. The minority members of the Committee on Banking and Currency have not recommended any bill or substitute for the Fowler bill. Neither of the bills other than the Fowler bill has been acted on by the committee, nor have the minority members been called on to consider any other bill or measure relating to the national-bank currency. Speaking for myself, I desire to say I shall not support either of these bills. I belong to that school of Democrats that would, if it were in its power, absolutely repeal the law which authorizes national banks as banks of issue. I belong to that school of Democrats that believe that the Federal Government should coin the money of the Government and should also issue the currency, to be redeemed by the Government in coin of the Government without loss to the people.

Therefore I thank the gentleman from Pennsylvania for giving me an opportunity to say what I have—that I am opposed to this bill and all bills of this character. It probably may not be voted on at this session of Congress. We are nearing the end of the session, and we may get it up one day and not proceed with it the next day. My judgment is there will be no vote upon it before this Congress adjourns. I believe, Mr. Speaker, if Congress would devote its time rather to pass laws in favor of the people than to aid by this sort of legislation the stock gamblers in Wall street, that the country and the people would be better off now. [Applause.]

Mr. TALBERT. Will the gentleman yield to me for a few minutes?

Mr. DALZELL. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, there are many people in the United States that believe some currency legislation ought to be enacted. I do not believe that there are any considerable number of people who are agreed as to just what it ought to be. I doubt if it is practicable during the closing hours of this session to intelligently consider and enact currency legislation. The naval bill has not yet been considered, nor the fortification bill, nor has the general deficiency bill been reported. Many important measures other than supply bills are pending, and but few of the supply bills have been enacted. Many of them are liable to lead perhaps to the consumption of more time in the House on the Senate amendments than they required in their passage in the first instance.

The time devoted to the business which must pass is less than sufficient to properly consider it. And I may go further and say to safely consider the matters that are to be before the House on the one hand and the Senate upon the other. I desire to say further that, as a matter of individual opinion, I do not believe it is either practical or safe to enact currency legislation in the closing hours of this session. Yet, out of deference to people who have decided convictions as to the desirability of legislation, and from a willingness touching matters of great importance that run to all the people, I do not desire by my vote to assist in

denying recognition for consideration of this or any other matter of real importance. I say again that there is not sufficient time to properly consider this bill during the remainder of this session. So far as this bill is concerned, it does not meet with my approval or judgment. It is proper for me to say that; but while I do say that, I am not willing by my vote to be put in the position of saying that if I had the power I would deny consideration to a question of its importance. Therefore I shall vote for the rule, and trust, if the bill does pass, it will be fully and fairly considered and very greatly amended.

Mr. TALBERT. I ask the gentleman from Pennsylvania to yield me three minutes.

Mr. DALZELL. I yield three minutes to the gentleman from South Carolina.

Mr. TALBERT. Mr. Speaker, I want to repeat what I said a moment ago; that the report of the minority members of the committee speaks for itself. They are opposed to the Fowler bill. They so state, and they give their reasons, and gentlemen may read the report and see what they are. If any member of the minority has prepared a bill, it is an individual bill; it has not received the indorsement of the minority, and has never been submitted. I am opposed, like my friend from Georgia [Mr. BARTLETT], to this bill, and I indorse his position. At the same time I stand ready and willing to vote for the rule, and to consider any question, because I do not believe in standing in the way of considering anything. My idea of legislation is, let it be presented, let it be considered with full time for discussion, and then let the majority decide and take the consequences. I am opposed to this bill, shall do all I can against it, and leave the matter with the majority. And I will vote for this rule if it can be amended so as to state the time for discussion, so that the previous question can not be ordered and shut off debate.

Mr. ROBINSON of Indiana. Will the gentleman yield to me for three minutes?

Mr. DALZELL. I have agreed to yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD], and I hope then that we can have a vote. This is suspension day, and a great many gentlemen are waiting to have their favored bills disposed of.

Mr. LACEY. Will the gentleman permit me a question?

Mr. DALZELL. Certainly.

Mr. LACEY. I want to ask the gentleman whether consideration of this bill could be questioned on any day?

Mr. DALZELL. Undoubtedly.

Mr. UNDERWOOD. Mr. Speaker, if the adoption of this rule committed me in any way to the bill in favor of asset currency, I would vote against the rule and I would make strenuous opposition at this time. In fact, some time ago the committee agreed on a rule that brought this matter to a vote at an early day. I was opposed to that rule, but the amended rule brought in this morning provides for ample debate, and no fixed time for closing debate, and no time to bring a vote on this question. Therefore I do not propose to vote against the rule, not because I am in favor of considering this question, not because I believe that the country is ready to accept any proposition looking toward asset currency, but simply because there are a number of members on the floor of this House that believe in asset currency and want an opportunity to state their position to the country. It is a question on which I believe they ought to have an opportunity, and therefore that far I am willing to go.

I know, as every member of the House knows, that with the ordinary drift of business from now on there will be no opportunity given to have a liberal debate on this bill and bring it to a final vote before the close of the session. Believing that to be the case, I am willing to accept the rule and give the gentlemen who favor the proposition an opportunity to state their views on the floor of this House. Otherwise I would not be in favor of it.

Now, I do not believe that the Democratic party—there may be a few members of the minority on the committee who favor asset currency and have their bill—but I do not believe that they voice the judgment or opinion of this side of the House. I do not believe that they voice the opinion or the judgment or the views of the Democratic party throughout the country. From the beginning of the century the Democratic party has been opposed to bank money. They are opposed to banks of issue to-day, and I believe they are opposed to it in the shape of asset currency as well as they were to the original national-bank currency.

Mr. GILBERT. Will the gentleman from Alabama yield for a question?

Mr. UNDERWOOD. Yes.

Mr. GILBERT. Will the adoption of this rule facilitate the passage of the bill?

Mr. UNDERWOOD. If it were possible at this time to bring it to a vote, the adoption of my rule, of course, would facilitate it to that extent.

Mr. GILBERT. Does not the gentleman think that we who antagonize the bill, to be consistent, should antagonize the rule also?

Mr. UNDERWOOD. I think so. I have no word to say to gentlemen as to voting in favor of the rule. I do not make any strenuous opposition against it, although I should not vote for the bill. I believe there are men on that side of the House as well as on this side of the House who desire to bring the question before the country by a statement of their views. I have no desire to cut them off. But if I did believe the adoption of this rule meant that it would bring the House to a vote on the question; if it meant that it might bring a likelihood of the passage of the bill, then I would be in favor of a strenuous opposition to the rule at this time. I now yield to the gentleman from Indiana [Mr. ROBINSON].

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. ROBINSON of Indiana. I ask the gentleman from Pennsylvania to yield me two minutes.

Mr. DALZELL. I will yield, and then I shall call for a vote.

Mr. ROBINSON of Indiana. Mr. Speaker, I simply want in that two minutes to state that I am opposed to the proposition of asset currency as embodied in the Fowler bill, and the same proposition in the Padgett bill. The latter, as I understand, has no indorsement of the minority members of the appropriate committee.

Mr. BARTLETT. It has never been submitted to them.

Mr. ROBINSON of Indiana. And it has never been submitted to them, as the gentleman from Georgia says. I shall content myself in voting against the rule, not desiring to ask for or caring whether there is any roll call upon it. The rule is presented not for the purpose of facilitating any legislation in regard to these propositions, as has been generally stated around on the floor, because this bill, it is clearly understood, will not reach the stage of passage in this Congress. Treating this as a buffer against other threatened legislation, I will not ask for a roll call, but I want at this time to enter my vote against the general proposition, against the proposition of asset currency; and as it now indirectly arises on the rule proposed, I hope the members on this side will, in their capacity as Representatives and members of the Democratic party, feel free to do so.

The SPEAKER. The question now is on agreeing to the resolution.

The question was taken; and the Chair stated that he was in doubt.

The House divided; and there were—ayes 94, noes 76.

Mr. MCRAE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. TALBERT. Mr. Speaker, I rise to a parliamentary inquiry. I stated that I was in favor of the consideration of this measure; but I want to ask whether it would be in order to amend this resolution so as to fix a time limit for the debate. If that can be done, I am in favor of it.

The SPEAKER. That can not be done under the present circumstances.

Mr. TALBERT. I am opposed to the proposition unless that condition can be agreed to.

The SPEAKER. The House is now dividing.

The question was taken; and there were—yeas 130, nays 95, answered "present" 6, not voting 120; as follows:

YEAS—130.

Adams,	Draper,	Kahn,	Reeder,
Alexander,	Eddy,	Ketcham,	Scott,
Allen, Me.	Emerson,	Knapp,	Shattuc,
Bartholdt,	Evans,	Lacey,	Sherman,
Bates,	Fitzgerald,	Lawrence,	Showalter,
Bishop,	Fletcher,	Lessler,	Sibley,
Blackburn,	Fordney,	Littauer,	Skiles,
Boreing,	Foss,	Littlefield,	Smith, Iowa
Boutell,	Foster, Vt.	Loud,	Smith, H. C.
Bowersock,	Fowler,	Loudenslager,	Smith, S. W.
Brandegee,	Gaines, W. Va.	Lovering,	Smith, Wm. Alden
Brick,	Gardner, Mich.	McCleary,	Southard,
Bromwell,	Gibson,	McLachlan,	Southwick,
Bull,	Gillet, N. Y.	Marshall,	Sperry,
Burke, S. Dak.	Gillett, Mass.	Martin,	Steele,
Burleigh,	Graff,	Metcalf,	Stevens, Minn.
Burton,	Greene, Mass.	Miller,	Stewart, N. J.
Cannon,	Grosvenor,	Mondell,	Stewart, N. Y.
Capron,	Hamilton,	Moody,	Storm,
Conner,	Hanbury,	Morgan,	Tawney,
Coombs,	Haskins,	Morrell,	Tayler, Ohio
Cousins,	Hedge,	Morris,	Thayer,
Cromer,	Hemenway,	Mudd,	Thomas, Iowa
Crumpacker,	Henry, Conn.	Olmsted,	Tirrell,
Currier,	Hepburn,	Otjen,	Van Voorhis,
Curtis,	Hill,	Overstreet,	Vreeland,
Cushman,	Hitt,	Parker,	Wanger,
Dalzell,	Holliday,	Payne,	Warnock,
Darragh,	Howell,	Pearre,	Watson,
Deemer,	Hughes,	Perkins,	Woods,
Dick,	Hull,	Powers, Me.	Wright.
Douglas,	Jenkins,	Powers, Mass.	
Dovener,	Jones, Wash.	Prince,	

NAYS—95.

Allen, Ky.	Dinsmore,	Kleberg,	Russell,
Ball, Tex.	Dougherty,	Kluttz,	Ryan,
Bankhead,	Feely,	Latimer,	Scarborough,
Bartlett,	Fleming,	Lever,	Sheppard,
Bell,	Flood,	Little,	Sims,
Benton,	Foster, Ill.	Livingston,	Slayden,
Billmeyer,	Gilbert,	Lloyd,	Smith, Ky.
Brantley,	Glass,	McRae,	Snodgrass,
Breazeale,	Gooch,	Maddox,	Spight,
Broussard,	Gordon,	Mahoney,	Stark,
Burgess,	Green, Pa.	Miers, Ind.	Stephens, Tex.
Burkett,	Griffith,	Moon,	Swann,
Burleson,	Griggs,	Naphen,	Talbert,
Burnett,	Hay,	Norton,	Tate,
Caldwell,	Henry, Miss.	Pou,	Taylor, Ala.
Candler,	Henry, Tex.	Randell, Tex.	Thomas, N. C.
Cassingham,	Hooker,	Reid,	Thompson,
Clark,	Howard,	Richardson, Ala.	Trimble,
Clayton,	Jackson, Kans.	Richardson, Tenn.	Underwood,
Conry,	Johnson,	Rixey,	Vandiver,
Cooper, Tex.	Kehoe,	Robertson, La.	Williams, Ill.
Cowherd,	Kern,	Robinson, Ind.	Williams, Miss.
Davis, Fla.	Kitchin, Claude	Rucker,	Zenor.
De Armond,	Kitchin, Wm. W.	Ruppert,	

ANSWERED "PRESENT"—6.

Adamson,	Fox,	Hopkins,	Mann.
Finley,	Haugen,		

NOT VOTING—120.

Acheson,	Dayton,	Lewis, Ga.	Rhea,
Aplin,	Driscoll,	Lewis, Pa.	Robb,
Babcock,	Dwight,	Lindsay,	Roberts,
Ball, Del.	Edwards,	Long,	Robinson, Nebr.
Barney,	Elliott,	McAndrews,	Schirm,
Beidler,	Esch,	McCall,	Selby,
Bellamy,	Flanagan,	McClellan,	Shackleford,
Belmont,	Foerderer,	McCulloch,	Shafroth,
Bingham,	Gaines, Tenn.	McDermott,	Shallenberger,
Blakeney,	Gardner, Mass.	McLain,	Shelden,
Bowie,	Gardner, N. J.	Mahon,	Small,
Bristow,	Gill,	Maynard,	Smith, Ill.
Brown,	Glenn,	Mercer,	Snook,
Brownlow,	Goldfogle,	Meyer, La.	Sparkman,
Brundidge,	Graham,	Mickey,	Sulloway,
Burk, Pa.	Grow,	Minor,	Sulzer,
Butler, Mo.	Heatwole,	Moss,	Sutherland,
Butler, Pa.	Hildebrant,	Mutchler,	Swanson,
Calderhead,	Irwin,	Needham,	Tompkins, N. Y.
Cassel,	Jack,	Neville,	Tompkins, Ohio
Cochran,	Jackson, Md.	Nevin,	Wachter,
Connell,	Jett,	Newlands,	Wadsworth,
Cooney,	Jones, Va.	Padgett,	Warner,
Cooper, Wis.	Joy,	Palmer,	Weeks,
Corliss,	Knox,	Patterson, Pa.	Wheeler,
Creamer,	Kyle,	Patterson, Tenn.	White,
Crowley,	Lamb,	Pierce,	Wiley,
Dahle,	Landis,	Pugsley,	Wilson,
Davey, La.	Lassiter,	Ransdell, La.	Wooten,
Davidson,	Lester,	Reeves,	Young.

So the resolution was adopted.

The Clerk announced the following pairs:

For the session:

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. MCCALL with Mr. MCCLELLAN.

Mr. BROWNLOW with Mr. PIERCE.

Until further notice:

Mr. LONG with Mr. NEWLANDS.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. HOPKINS with Mr. SWANSON.

Mr. ACHESON with Mr. SPARKMAN.

Mr. BEIDLER with Mr. FOX.

Mr. PATTERSON of Pennsylvania with Mr. ROBINSON of Nebraska.

Mr. KNOX with Mr. EDWARDS.

Until Wednesday:

Mr. KYLE with Mr. GLENN.

For this day:

Mr. BABCOCK with Mr. MCDERMOTT.

Mr. BRISTOW with Mr. SNOOK.

Mr. LEWIS of Pennsylvania with Mr. BOWIE.

Mr. DRISCOLL with Mr. PADGETT.

Mr. DWIGHT with Mr. SULZER.

Mr. WACHTER with Mr. SMALL.

Mr. HAUGEN with Mr. MUTCHLER.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. MANN with Mr. JETT.

Mr. JACK with Mr. FINLEY.

Mr. SUTHERLAND with Mr. WILEY.

Mr. YOUNG with Mr. WHITE.

Mr. WADSWORTH with Mr. PUGSLEY.

Mr. SULLOWAY with Mr. SHALLENBERGER.

Mr. SMITH of Illinois with Mr. NEVILLE.

Mr. ROBERTS with Mr. PATTERSON of Tennessee.

Mr. REEVES with Mr. MICKEY.

Mr. NEVIN with Mr. LASSITER.

Mr. MINOR with Mr. MCLAIN.

Mr. MERCER with Mr. LESTER.

Mr. MAHON with Mr. SHACKLEFORD.

Mr. LANDIS with Mr. LAMB.

Mr. JACKSON of Maryland with Mr. GAINES of Tennessee.

Mr. IRWIN with Mr. FLANAGAN.

Mr. GRAHAM with Mr. COONEY.

Mr. GILL with Mr. BUTLER of Missouri.

Mr. FOERDERER with Mr. CREAMER.

Mr. BURK of Pennsylvania with Mr. BELLAMY.

Mr. BROWN with Mr. WHEELER.

Mr. BALL of Delaware with Mr. SELBY.

Mr. CORLISS with Mr. WOOTEN.

Mr. GARDNER of New Jersey with Mr. RANSDELL of Louisiana.

Mr. DAVIDSON with Mr. WILSON.

Mr. SCHIRM with GOLDFOGLE.

Mr. CONNELL with Mr. SHAFROTH.

Mr. SHELDEN with Mr. LINDSAY.

On this vote:

Mr. BUTLER of Pennsylvania with Mr. JONES of Virginia.

Mr. WARNER with Mr. ROBB.

Mr. PALMER with Mr. MCCULLOCH.

Mr. NEEDHAM with Mr. LEWIS of Georgia.

Mr. JOY with Mr. MCANDREWS.

Mr. GROW with Mr. DAVEY of Louisiana.

Mr. GARDNER of Massachusetts with Mr. CROWLEY.

Mr. ESCH with Mr. BRUNDIDGE.

Mr. COOPER of Wisconsin with Mr. RHEA.

Mr. CALDERHEAD with Mr. BELMONT.

Mr. BARNEY with Mr. COCHRAN.

Mr. HEATWOLE with Mr. ADAMSON.

RIVERS AND HARBORS.

Mr. COOPER of Texas. Mr. Speaker, by direction of the Committee on Rivers and Harbors, I move to suspend the rules and pass the bill (H. R. 17243) which I send to the Clerk's desk, with the committee amendment thereto in the form of a substitute.

The SPEAKER. The gentleman from Texas moves to suspend the rules and pass with the committee amendment the following bill, which the Clerk will report.

The Clerk read as follows:

An act to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

Strike out all after the enacting clause and insert the following:

"That the Secretary of War is hereby authorized and directed to use and expend the $125,000 appropriated by an act entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' approved June 13, 1902, for the purpose of improving mouths of Sabine and Neches rivers, Texas, in accordance with House Document No. 299, Fifty-fourth Congress, second session, by connecting the same with Sabine Pass by a channel 8 feet deep through Sabine Lake, in excavating and constructing a channel 8 or more feet deep from the mouths of the Sabine and Neches rivers, at or near the west shore of Sabine Lake, to Taylors Bayou, a navigable stream in the State of Texas."

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is a second demanded?

Mr. BARTLETT. None has been demanded.

The SPEAKER. A second is not demanded. The question is on suspending the rules and passing the bill with the substitute recommended by the committee.

The question was taken; and in the opinion of the Chair two-thirds having voted for the motion, the bill as amended was passed.

LIFE-SAVING STATION AT LORAIN.

Mr. SKILES. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move to suspend the rules and pass the bill (H. R. 14384) providing for a life-saving station at the mouth of Black River, at or near the city of Lorain, Lorain County, in the State of Ohio, and for life-saving crew, etc., with committee amendments, which I will send to the desk and ask to have read.

The SPEAKER. The gentleman from Ohio moves to suspend the rules and pass with amendments the following bill.

The Clerk read as follows:

Be it enacted, etc., That there be established a life-saving station at the mouth of Black River, at or near the city of Lorain, Lorain County, in the State of Ohio, and the Secretary of the Treasury is hereby required to provide for such establishment and supply the same with the necessary life-saving crew and furnishings, as provided by law.

The following committee amendments were read:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, Ohio, at such point as the General Superintendent of the Life-Saving Service may recommend."

Amend the title so as to read: "A bill to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, in the State of Ohio."

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second in order that we may have some explanation.

The SPEAKER. The gentleman from Tennessee asks for a second.

Mr. SKILES. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Ohio asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none, and recognizes the gentleman from Ohio, who has twenty minutes.

Mr. SKILES. Mr. Speaker, this bill provides for establishing a life-saving station at Lorain Harbor. Lorain is located about equal distance between the city of Cleveland and Marble Head, being 30 miles from each of these points. The Committee on Interstate and Foreign Commerce have unanimously recommended the passage of the bill, as has the Superintendent of the Life-Saving Service, and also the Secretary of the Treasury. The report of the Superintendent shows that this is a dangerous coast, and there is no protection to life or traffic at this particular place. Just recently there was a disaster there which resulted in destroying a large vessel, and a number of people would have been lost had it not been for the fact that the live-saving crew at Cleveland, a distance of 30 miles, was transported to the point by rail, and in that way the crew was saved.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendment.

The question was taken; and in the opinion of the Chair two-thirds having voted for the motion, the rules were suspended and the bill as amended was passed.

The SPEAKER. Without objection, the amendment to the title will be agreed to.

SALE OF CERTAIN LANDS.

Mr. SPARKMAN. Mr. Speaker, by direction of the Committee on Public Lands, I move to suspend the rules and pass the bill (H. R. 16069) authorizing the Secretary of the Interior to sell certain lands therein mentioned, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Florida moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be sold, under the provisions of section 2455, Revised Statutes, as amended by the act of February 26, 1895, providing for the sale of isolated tracts, in so far as the same shall apply, the south half of the northeast quarter of section 4, township 47 south, of range 29 east, in Lee County, Fla., being 80 acres of land formerly occupied for agency purposes for the Seminole Indians in that State, which land is no longer needed by the United States.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

GEORGE A. DETCHEMENDY.

Mr. PARKER. Mr. Speaker, by direction of the Committee on Military Affairs I move to suspend the rules and pass, with amendments, the bill (H. R. 13605) for the relief of George A. Detchemendy, which I will send to the Clerk's desk.

The SPEAKER. The gentleman from New Jersey moves to suspend the rules and pass with amendments the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States of America is authorized to nominate and, by and with the advice and consent of the Senate, to appoint George A. Detchemendy, late a captain in the Twenty-second Infantry, United States Army, a major of infantry, and that the said Major Detchemendy shall be assigned to the first vacancy existing in that arm of the service: *Provided*, That in the event of existing disability contracted in line of duty the President of the United States of America is authorized to nominate and, by and with the advice and consent of the Senate, to appoint George A. Detchemendy a major of infantry and place his name on the retired list of the Army as such major, and the retired list is increased by one for this purpose.

The following committee amendment was read:

Strike out all after the enacting clause and insert the following:

"That the President is authorized to summon George A. Detchemendy, late captain in the Twenty-second Infantry, United States Army, before a retiring board, to inquire whether at the date of his resignation, accepted to take effect March 10, 1902, he was incapacitated for active service, and whether such incapacity was the result of an incident of service, and whether said resignation should have been accepted as valid; and upon the results of said inquiry the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said George A. Detchemendy a captain of infantry, and to place him upon the retired list of the Army."

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question being taken, the Speaker announced that, two-thirds having voted in favor of the motion, the rules were suspended and the bill as amended was passed.

COLORADO COOPERATIVE COLONY.

Mr. BELL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 7288) extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years.

The bill was read, as follows:

Be it enacted, etc., That the time fixed for making final proof and payment for all lands located by the members of the Colorado Cooperative Colony in an act entitled "An act for the relief of the Colorado Cooperative Colony, to permit second homesteads in certain cases, and for other purposes," approved June 5, 1900, and found at page 267 and the following, volume 31, Revised Statutes of the United States, be, and the same is hereby, extended for a period of three years longer than the period fixed in said act above described, to the same extent as if said first extension had been six instead of three years.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question being taken, the Speaker announced that two-thirds having voted in favor of the motion, the rules were suspended and the bill was passed.

PATENTS.

Mr. CURRIER. Mr. Speaker, by authority of the Committee on Patents, I move to suspend the rules and pass the bill (H. R. 17085) to effectuate the provisions of the additional act of the International Convention for the Protection of Industrial Property.

The bill was read, as follows:

Be it enacted, etc., That section 4887 of the Revised Statutes is amended by changing the word "seven" to "twelve," and by inserting after the word "months" the words "in cases within the provisions of section 4886 of the Revised Statutes, and four months, in cases of designs," and by adding the following words: "An application for patent for an invention or discovery or for a design filed in this country by any person who has previously regularly filed an application for a patent for the same invention, discovery, or design in a foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States shall have the same force and effect as the same application would have if filed in this country on the date on which the application for patent for the same invention, discovery, or design was first filed in such foreign country, provided the application in this country is filed within twelve months in cases within the provision of section 4886 of the Revised Statutes, and within four months in cases of designs, from the earliest date on which any such foreign application was filed. But no patent shall be granted on an application for patent for an invention or discovery or a design which had been patented or described in a printed publication in this or any foreign country more than two years before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country for more than two years prior to such filing;" so that the section so amended shall read:

"SEC. 4887. No person otherwise entitled thereto shall be debarred from receiving a patent for his invention or discovery, nor shall any patent be declared invalid by reason of its having been first patented or caused to be patented by the inventor, or his legal representatives or assigns, in a foreign country, unless the application for said foreign patent was filed more than twelve months, in cases within the provisions of section 4886 of the Revised Statutes, and four months in cases of designs, prior to the filing of the application in this country, in which case no patent shall be granted in this country.

"An application for patent for an invention or discovery or for a design filed in this country by any person who has previously regularly filed an application for a patent for the same invention, discovery, or design in a foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States shall have the same force and effect as the same application would have if filed in this country on the date on which the application for patent for the same invention, discovery, or design was first filed in such foreign country, provided the application in this country is filed within twelve months in cases within the provisions of section 4886 of the Revised Statutes, and within four months in cases of designs, from the earliest date on which any such foreign application was filed. But no patent shall be granted on an application for patent for an invention or discovery or a design which had been patented or described in a printed publication in this or any foreign country more than two years before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country for more than two years prior to such filing."

SEC. 2. That section 4892 of the Revised Statutes is amended by inserting after the words "notary public" the words "judge or magistrate having an official seal and authorized to administer oaths," and by adding at the end thereof the words "whose authority shall be proved by certificate of a diplomatic or consular officer of the United States;" so that the section so amended shall read:

"SEC. 4892. The applicant shall make oath that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen. Such oath may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by certificate of a diplomatic or consular officer of the United States."

SEC. 3. That section 4896 of the Revised Statutes is amended by adding thereto the following sentence: "The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a diplomatic or consular officer of the United States;" so that the section so amended shall read as follows:

"SEC. 4896. When any person, having made any new invention or discovery for which a patent might have been granted, dies before a patent is granted, the right of applying for and obtaining the patent shall devolve on his executor or administrator, in trust for the heirs at law of the deceased, in case he shall have died intestate; or if he shall have left a will disposing of the

same, then in trust for his devisees, in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him in his lifetime; and when the application is made by such legal representatives, the oath or affirmation required to be made shall be so varied in form that it can be made by them. The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a diplomatic or consular officer of the United States."

SEC. 4. That section 4902 is amended by striking out the words "citizen of the United States" in the first line thereof, and substituting the word "person" in place thereof, and by striking out the last clause of said section; so that this section so amended shall read as follows:

"SEC. 4902. Any person who makes any new invention or discovery and desires further time to mature the same may, on payment of the fees required by law, file in the Patent Office a caveat setting forth the design thereof and of its distinguishing characteristics and praying protection of his right until he shall have matured his invention. Such caveat shall be filed in the confidential archives of the office and preserved in secrecy, and shall be operative for the term of one year from the filing thereof; and if application is made within the year by any other person for a patent with which such caveat would in any manner interfere, the Commissioner shall deposit the description, specification, drawings, and model of such application in like manner in the confidential archives of the office and give notice thereof by mail to the person by whom the caveat was filed. If such person desires to avail himself of his caveat he shall file his description, specifications, drawings, and model within three months from the time of placing the notice in the post-office in Washington, with the usual time required for transmitting it to the caveator added thereto, which time shall be indorsed on the notice."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

The SPEAKER. A second is demanded by the gentleman from Tennessee.

Mr. CURRIER. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The Chair recognizes for twenty minutes the gentleman from New Hampshire [Mr. CURRIER] for the bill, and the gentleman from Tennessee [Mr. RICHARDSON] for twenty minutes, against the bill.

Mr. CURRIER. Mr. Speaker, this bill was drawn by the Commissioner of Patents, and is favored by authorities on patent law throughout the country.

The principal purpose of the bill is to carry into effect an additional act adopted by the International Convention for the Protection of Industrial Property, held at Brussels in December, 1900.

Several of these international conventions have been held for the purpose of bringing about, as far as possible, uniformity in the patent laws of the great commercial nations of the world.

At the recent Brussels convention the following countries were represented: Belgium, Brazil, Denmark, the Dominican Republic, Spain, France, Great Britain, Italy, Japan, Norway, The Netherlands, Portugal, Servia, Sweden, Switzerland, and Tunis.

The additional act there agreed upon simply extends the period of priority in applications for patents from seven months to twelve months. It does not extend by a single instant the life of any patent now in existence, or any patent that may be granted hereafter.

Under existing law an inventor must apply for a patent within seven months of the time he first applies in any other country, and it is proposed by the first section of this bill to extend that period from seven months to twelve months, in accordance with the agreement reached at that international convention.

Nearly all of the nations which were represented there have already passed the necessary legislation to give force to this act. I will read the names of the countries that have already legislated: Belgium, Denmark, France, Great Britain, Italy, Japan, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and Tunis.

It will be noticed that nearly every nation represented at that convention has already enacted the necessary legislation to give this act full force and effect. It seems but fair that this country should take similar action. We have embodied in this bill a reciprocal feature, providing that this extension shall be given only to citizens of countries that give a similar privilege to our citizens. And probably no people will be favored so much by this extension as the people of the United States.

The second section of this bill will permit oaths to be executed in applications for patents in foreign countries, to be filed here, to be taken before judges and magistrates authorized to administer oaths there, and having official seals. Their authority will be proved by a certificate from a foreign representative of this country. At the present time such oaths must be taken before a representative of this country or a notary public, and in many foreign countries notaries public are not authorized by local law to administer oaths at all.

The third section of the bill will permit foreign executors and administrators in making application for patents here in the right of a deceased foreign inventor to make the application without taking out ancillary letters of administration in this country. There seems to be no reason why this change should not be made, as it can harm no one, and it will save foreign executors and administrators the trouble and expense of an absolutely useless formality.

The fourth section of the bill makes a slight change in the caveat law, in order to make that law conform to the law relating to applications for patents. Under the law now any person living anywhere may apply for a patent here, but only a citizen of this country can file a caveat, which is merely a preliminary application for a patent. We do not discriminate against the citizens of foreign countries in regard to making application for patents, and no reason exists for discriminating against them in the matter of filing a preliminary application. No harm can come to anyone from this change, and there are important reasons why the change should be made now.

Mr. Speaker, I reserve the balance of my time and yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

The SPEAKER. To whom does the gentleman yield?

Mr. CURRIER. To the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. I prefer to wait and see whether there is any opposition to the bill, Mr. Speaker, before occupying the time of the House.

Mr. RICHARDSON of Tennessee. I reserved the twenty minutes. I understand this bill is unanimously reported by the Committee on Patents.

Mr. CURRIER. It is.

Mr. RICHARDSON of Tennessee. I have no objection. I yield to the gentleman from Missouri.

Mr. CLARK. Mr. Speaker, there is no question in the world but that the bill ought to pass. It does not cost anything. It does nobody any harm, and it is a sort of condition precedent to certain exhibitors in Europe coming from there with designs to the Word's Fair at St. Louis. It is not possible to do any harm.

Mr. TAWNEY. Mr. Speaker, I will say that representatives of the French Government have called my attention to the fact that unless they can secure opportunity to file a caveat the inventors of France feel they would not have that protection which they think they ought to have in order to exhibit their inventions at the Louisiana Purchase Exposition, and this provision will enable them to do that.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

LIGHT-HOUSE DEPOT, BOSTON, MASS.

Mr. NAPHEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 7043) as amended by the committee.

The Clerk read as follows:

To establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to locate and establish a light-house depot for the Second light-house district in Boston Harbor, Massachusetts, at a cost not to exceed $25,000.

SEC. 2. That that part of the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, approved June 28, 1902, appropriating the sum of $25,000 for the establisment of a light-house depot at Castle Island, Boston Harbor, Massachusetts, be, and the same is hereby, repealed.

Mr. CANNON. Mr. Speaker, I want to ask the gentleman a question, and I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Does the gentleman yield for a question?

Mr. NAPHEN. With pleasure.

Mr. CANNON. My recollection about this light-house depot is that the Government has a site there, owns the property, and that the appropriation was made for the improvement of the site last year. Am I correct about that?

Mr. NAPHEN. Yes, sir.

Mr. CANNON. What is the matter? We have got various sites in Boston Harbor.

Mr. NAPHEN. Yes, sir.

Mr. CANNON. Yes; but we own the site there.

Mr. NAPHEN. Because the United States has other available sites in Boston Harbor where this depot can be located, we object to such an unsightly structure as the erection of a light-house on this island would be. The Secretary of the Treasury has carefully considered the erection of a light-house depot in Boston Harbor and the proposed change of location meets with his approval. The appropriation in the sundry civil bill of last session confined the erection of the station to Castle Island. This

bill leaves it entirely in the discretion of the Secretary of the Treasury to select the site. It calls for no additional money; it simply reappropriates the amount voted for the erection of the depot upon Castle Island.

Mr. Speaker, in the first session of the Fifty-first Congress permission was granted to the city of Boston to improve and beautify Castle Island in connection with its public park on condition that the excavations and fillings met with the approval of the Secretary of War. The plans of the proposed improvements were submitted and approved by the Secretary. The city of Boston in good faith expended between thirty-five and forty thousand dollars in making the island available for park purposes and in the erection of a bridge connecting it with the mainland. It would be an injustice now to deprive us of the use of this island when there are several other available sites within the harbor.

I can say without fear of contradiction that this island is one of the most popular resorts in Boston. It is visited by both rich and poor alike. Its use is not confined to the residents of Boston alone; people from various sections of the State enjoy its beauties. The first intimation that the people of Boston had that it was the intention of the Government to occupy this island for light-house purposes was in September of last year, when the Secretary of War informed the mayor of Boston and myself of the permission granted to the Light-House Establishment to occupy a part of the island.

Protests against its occupation came from the mayor, members of the city government, leading citizens, and myself. As a result, the Secretary of War requested the Secretary of the Treasury to suspend active construction, and nothing further has been done up to the present time. The passage of the bill will preserve the island as a part of the park system of Boston, and, in the language of the Secretary of the Treasury, "will protect the city from an unsightly structure in a very conspicuous place."

Mr. CANNON. I will ask the gentleman to accept an amendment. After the word "Massachusetts," in line 10, insert the words "on land owned by the United States."

Mr. NAPHEN. I have no objection, Mr. Speaker. I offer that as an amendment to the bill.

The SPEAKER. If there is no objection, the gentleman's proposed amendment will be submitted, after which the Chair will ask for objection.

The Clerk read as follows:

In line 10, on page 1, after the word "Massachusetts," insert "on land owned by the United States."

The SPEAKER. Is there objection to the suggested amendment? [After a pause.] The Chair hears none. It will be considered as being voted upon with the bill. The question is on suspending the rules and passing the bill with the amendment just adopted by the House.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 2557. An act for the relief of Henry L. McCalla; and

H. R. 12508. An act granting an increase of pension to James Jones.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 3239. An act granting a pension to John Q. Lane.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. QUAY, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 7053) to further regulate commerce with foreign nations and among the States.

The message also announced that the Senate had passed without amendment a bill of the following title:

H. R. 16915. An act authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 66.

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,500 copies, in cloth, of the first volume of the new edition of the Senate election cases, compiled in pursuance of the resolution adopted by the Senate April 17, 1902, 500 copies to be for the use of the members of the Senate and 1,000 copies for the use of the members of the House of Representatives.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. ROUSSEAU O. CRUMP, late a Representative from the State of Michigan.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to the private and public virtues of the deceased.

Resolved, That as a further mark of respect the Senate, at the conclusion of these ceremonies, do adjourn.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3239. An act granting a pension to John Q. Lane—to the Committee on Invalid Pensions.

Senate concurrent resolution 66:

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,500 copies, in cloth, of the first volume of the new edition of the Senate Election Cases, compiled in pursuance of the resolution adopted by the Senate April 17, 1902, 500 copies to be for the use of the members of the Senate and 1,000 copies for the use of the members of the House of Representatives—

to the Committee on Printing.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 7053. An act to regulate commerce with foreign nations and among the States.

WILLIAM M'CARTY LITTLE.

Mr. BULL. Mr. Speaker, I am instructed by the Committee on Naval Affairs to move to suspend the rules and pass the bill (S. 4557) for the relief of William McCarty Little.

The Clerk read the bill as follows:

That the President is authorized to appoint Lieut. William McCarty Little, now on the retired list of the Navy, to be a captain on said retired list, with the rank and pay of that grade from the date of appointment under this act.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. BULL. I ask unanimous consent, Mr. Speaker, that a second be considered as ordered.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. Without losing my right to object, Mr. Speaker, I want to ask the gentleman from Rhode Island if this bill has been unanimously reported by the Committee on Naval Affairs?

Mr. BULL. Yes. I was instructed by the committee to ask for its passage.

Mr. RICHARDSON of Tennessee. The committee unanimously instructed the gentleman to call it up?

Mr. BULL. Yes.

Mr. RICHARDSON of Tennessee. I have no objection, Mr. Speaker, to a second being considered as ordered.

The SPEAKER. The Chair hears no objection, and a second is ordered; and the Chair recognizes the gentleman from Rhode Island for the bill and the gentleman from Tennessee [Mr. RICHARDSON] against the bill.

Mr. BULL. Mr. Speaker, this is a bill to place on the retired list as a captain an officer in the Navy who is now serving on the retired list as a lieutenant.

Mr. RICHARDSON of Tennessee. How much does it promote him?

Mr. BULL. From a lieutenant to a captain. This officer was retired in 1884 involuntarily on account of impairment of eyesight, but he was not thereby permanently incapacitated for the performance of effective active service, to which he has been detailed since his enforced retirement.

Mr. RICHARDSON of Tennessee. Mr. Speaker, it is impossible to hear the gentleman from Rhode Island. I insist that we ought to have some reason if we promote a man and put him on the retired list.

Mr. BULL. Perhaps the matter will be better explained if the Clerk will read the first part of the report.

The SPEAKER. The Clerk will read in the gentleman's time.

The Clerk read as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 4577) for the relief of William McCarty Little, having fully considered the facts

involved for the relief asked for in this case, respectfully report thereon, with the recommendation that it pass.

An examination of the facts in this case will show that the relief asked for is fully approved by the Navy Department; that it is an exceptional case, and its passage will not form a precedent for any case known to your committee. It is one in which Congress is asked to right an unintentional wrong in the interest of a most meritorious officer, one who, during the whole period of his retirement, has been in active touch with the service, and, as expressed in the language of Rear-Admiral Taylor, "His exceptional ability, coupled with great industry and love of his profession, has been continuously exerted for the benefit of the Navy during his retirement, and the work he has done has been very apparent and of tangible value."

Mr. RICHARDSON of Tennessee. Well, Mr. Speaker, if there is any part of that report that gives any reason why this man should be put on the retired list I would like to have that read. So far the Clerk has read a very positive opinion, but no reason has been given.

Mr. BULL. Since this officer was placed on the retired list he has practically done active duty. During the Spanish war he had charge of the Rhode Island Naval Militia organization and was in command of the coast patrol and coast signal service along the New England coast. He has been doing active duty ever since, and is at present at the Naval War College at Newport.

Mr. RIXEY. Does this place him on the active list?

Mr. BULL. No; but he would be very glad indeed to go on the active list.

Mr. RIXEY. What is his age?

Mr. BULL. I can not state exactly, but he entered the Academy in 1863.

Mr. RIXEY. He was placed on the active list during the Spanish war?

Mr. BULL. He did active work, although not technically upon the active list. I have his record here, if the House would like to hear it.

Mr. RIXEY. Suppose you let us have his record.

Mr. BULL. I ask that the Clerk read from page 3 of the report.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman if this bill has been recommended by the Secretary of the Navy?

Mr. BULL. It has.

Mr. RICHARDSON of Tennessee. I understood the gentleman to say that this officer was desirous of being put on the active list.

Mr. BULL. The bill provides that he shall go on the retired list.

Mr. RICHARDSON of Tennessee. I know; but I understood the gentleman to say that the officer himself was anxious to get on the active list.

Mr. BULL. I think he would be glad to go on the active list, for the reason that he has been performing active duty without the accruing advantages of advancement in rank or the emoluments.

Mr. RICHARDSON of Tennessee. Then, while we need so many officers, why not put him on the active list and let him go to war?

Mr. BULL. We should be glad to do that, but it is not recommended by the Department, and an amendment of that nature would alter the purpose of the pending Senate bill, and might involve failure altogether to pass any bill for Lieutenant Little's relief. His services, however, will be available for active duty in the future as in the past.

The Clerk read as follows:

PROFESSIONAL WORK DONE SINCE RETIREMENT.

1884. Retired May 16, nearly top of list of senior lieutenants after fourteen years in that grade.
1885. Course at war college.
1886. Course at torpedo station; course at war college, voluntary librarian; urged adoption of naval war game, lectured thereon.
1887-88-89. Each year: Attended war college course; lectured on "War game," six lectures; assisted during winter in developing college.
1891-92-93. Serving as acting naval attaché in Spain in connection with Columbian and Madrid expositions and construction of Columbus caravels under direction of Secretary of Navy.
1894-95. Each year: Attended war college course and assisted in development.
1896. Command Rhode Island Naval Militia; war college course.
1897. Command Rhode Island Naval Militia; war college course; torpedo station course.
1898. Command preparation coast patrol and coast signal service. Brought Rhode Island Naval Militia into the naval service for the war and on duty as executive officer of training station.
1899. Executive officer training station. After war, war college course.
1900. Staff naval war college.
1901. Staff naval war college and still so serving.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted for the motion, the rules were suspended and the bill was passed.

BRIDGE ACROSS THE ARKANSAS RIVER, STATE OF ARKANSAS.

Mr. LITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17204) to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas.

The Clerk read the bill at length.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

AMERICAN REGISTER FOR THE STEAMER BEAUMONT.

Mr. FORDNEY. Mr. Speaker, by the direction of the Committee on the Merchant Marine and Fisheries, I move to suspend the rules and pass the bill (H. R. 16734) to provide an American register for the steamer *Beaumont*.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer Mira, owned by a citizen of the United States, to be registered as a vessel of the United States under the name of Beaumont, whenever it shall be shown to the Commissioner of Navigation that the salvage and the repairs made in a United States shipyard have amounted to three times the price paid for the wreck to her foreign owners, exclusive of salvage.

Mr. LITTLEFIELD. I demand a second on the motion to suspend the rules.

Mr. FORDNEY. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Michigan [Mr. FORDNEY] to control the time in favor of the bill, and the gentleman from Maine [Mr. LITTLEFIELD] to control the time against it.

Mr. FORDNEY. Mr. Speaker, by direction of the Committee on the Merchant Marine and Fisheries, I move to suspend the rules and pass bill (H. R. 16734) to provide an American register for the steamer *Beaumont*.

Mr. Speaker, this bill provides for issuing an American register for an English-built ship wrecked in foreign waters, rescued by an American wrecker, and brought to an American shipyard, where it is now being repaired. It is not new legislation. Many bills of this kind have come before this House within the past few years. Since 1895 there have been 28 just such measures passed by this House, the difference being that in this case there is far more merit than in any of those 28, for the reason that the other vessels had been wrecked by foreign wreckers. In this case an American citizen took his wrecking outfit into the waters of Nova Scotia, paying duty on that outfit. He blasted a channel through solid rock some 400 feet to where this vessel lay high and dry. He dragged it into deep water, brought it into an American port, and it is now being repaired in a shipyard at Philadelphia. This was done after wreckers in Nova Scotia and Canadian wreckers had abandoned the wreck, pronouncing it hopeless. The vessel was a new one, having been floated only some ten months before it was wrecked. The American wrecker, being a man of limited means, got into trouble with the owners, they refusing to pay him, as he said, according to the contract; and the present owner went to his relief and furnished him aid, becoming financially interested in the matter.

The foreign owners were compelled to settle with the wrecker; the present owner paid to that company $50,000 for the wrecked vessel, and he also paid $51,000 wreckage. He is now under contract with Cramp & Sons, of Philadelphia, for the repair of the hull and the foundation and the lining of the engine, repairs to the stearing gear, and other minor repairs. The sum to be paid under that contract, a certified copy of which I have here, is $71,500. I have an affidavit from the present owner that, in addition to the repairs provided in this contract, at least $30,000 more must be spent in repairs to the vessel before she can be ready to do duty again, making more than the amount required by section 4136 of the Revised Statutes. Under that provision the vessel would be admitted to an American register without a special act, except for the fact that she was wrecked in foreign waters. If she had been wrecked in American waters, there would have been no occasion for the present owner coming to Congress and asking special legislation. I repeat that the law would provide an American register for this vessel except for the fact that she was wrecked in foreign waters and less than 150 miles from the home of the gentleman who opposes this measure.

The tendency of legislation of this kind is to stimulate and help boat building. I know of a case in my home, Saginaw, Mich., in which Mr. Arthur Hill, now president of the Saginaw Steamship Company, and his company became interested in the purchase of a boat which had been wrecked under conditions somewhat similar to the one under consideration. That company purchased the wrecked foreign-built ship and rebuilt her in the United States and became thereby interested for the first time in the shipping business, and since then and within the past few years his company has built two 4,000-ton steamships in United States ship-

yards. And said company has now, as I remember, eight ships engaged in general shipping.

I desire to further call attention to the construction which has been placed upon the statute, section 4136, by the Attorney-General, and especially in the decision of Attorney-General Miller, in which he uses the following language:

The plain intention of section 4136 was to give to wrecked vessels which were practically rebuilt in the United States the same privilege that vessels would have if wholly built within the United States. Its ultimate purpose was to aid American shipbuilding, and it was evidently considered by Congress that the rebuilding of three-fourths of a vessel was to be encouraged as well as the building of a vessel entire.

This is a plain and sensible construction of the law, and the result of such a construction is beneficial to the general shipping interests, and is beneficial to the people who ship goods, beneficial to the whole people. So is this proposed legislation, and it is harmful to no interests.

As bearing upon and showing what has been added to our American merchant marine and shipping under this section of the Statutes, 4136, I desire to state that since 1884 nearly two hundred ships have been admitted to American register. Ten of these came in under the Hawaiian and Porto Rican act.

I have said that 28 ships have been admitted to American register since 1895 under circumstances similar to the facts in this boat *Mira*, under consideration, none of them having more equities, and in some cases the equity is not nearly so strong. I submit herewith a statement of some of these ships.

Steamer Empress.—Registered as *Laurava*. Owner, John D. Hart. January 16, 1895. Fifty-third Congress. United States Statutes, page 626, volume 28.

Bark Linda and bark Archer.—January 16, 1895. Same Congress and same statutes, page 626.

Steamer Nerito.—Registered as *Miami*. Owner, Charles W. Hagan. Fifty-fourth Congress. Act approved January 22, 1896. Page 3, United States Statutes at Large, No. 29.

Bark Minde.—Registered as *Three Brothers*. Owner, Albert F. Dewey. Fifty-fourth Congress. February 7, 1896. Statutes at Large, page 5.

John Ludwig.—Same as above.

Steamer Asturian Prince.—Registered as *Matteawan*. Owner, C. W. Hagan. By act Congress approved April 4, 1896. Same statutes, page 85, and same Congress.

Steamer Menemsha.—Owner, C. W. Hagan. By act of Congress, approved June 10, 1896. Same statutes and Congress, page 321.

Barge Thomas T. Falck.—Registered as *Black Diamond*. Owner, Mobile Coal Company. By act approved February 4, 1897. Same statutes and Congress, page 511.

Bark Ceres.—By act February 8, 1897. Same statutes and Congress, page 516.

Bark E. C. Mowatt.—By act February 13, 1897. Same statutes and Congress, page 527.

Barkentine Sharp Shooter.—Registered as *Ruth*. Owner, J. M. Cunningham Company. Act February 9, 1898. United States Statutes at Large, No. 30, page 240, Fifty-fifth Congress, second session.

Steamer Catania.—Owner, M. Stanley Tweedie. Act May 21, 1898. Same Congress and statutes, page 420.

Steamer Leelanaw.—Owner, James Jerome. Act February 19, 1898. Same Congress and statutes, page 249.

Steamer Navahoe.—Owner, B. F. Clyde. Act January 31, 1898. Same Congress and statutes, page 240.

It may also be worthy of mention, and I want to state the fact before the House, that no bill permitting an American register or suspending the technicality of the law to permit American registry, even though the boat came to peril in foreign waters just outside of the jurisdiction of the United States, has been permitted to receive favorable consideration since the gentleman from Maine [Mr. LITTLEFIELD] has been a member of the committee. It appeared in a statement and argument before the committee that he is protecting the interests of his constituents, who will have more competition if this boat is admitted to American register. He stands for his constituents, and I do the best I can for mine, and in addition what I contend for will have a tendency to help the shipper by enlarging the field of competition, and outside of the constituents of the gentleman from Maine and some other shipyards no one can possibly be hurt by this legislation. It is conceded on all hands that what is needed is an increase of the merchant marine, and after July 1, 1903, vessels sailing under the American flag only will be permitted to carry goods between the Philippine Islands and United States ports, and so I say admit this ship to American register and help meet these increasing demands.

There are now 178 vessels owned by American citizens but sailing under foreign flags and manned by foreign seamen, with a tonnage of 1,047,000 tons.

In connection with the argument of the gentleman from Maine that the cost of salvage should not be considered as part of the "repairs," and thereby bring this case without the meaning of the statute 4136, and answering the position taken by him before the committee that the cost of salvage is not any part of the "repairs" within the meaning of the statute, I desire to call attention to the decision of Attorney-General Crittenden, made February 14, 1853, in an exactly similar case, as far as repairs, etc., are concerned, which decision established a precedent ever since followed by the Committee on the Merchant Marine and Fisheries and the office of the Commissioner of Navigation in the Treasury Department.

OPINION OF ATTORNEY-GENERAL CRITTENDEN, FEBRUARY 14, 1853.

[Pp. 674-675, vol. 5, Opinions of Attorneys-General.]

SIR: The case stated in your letter of the 11th of this month is that a foreign-built vessel was wrecked within the United States and purchased when so wrecked by American citizens for $200; they expended subsequently in the hire of lighters, blocks, tackles, and labor, in getting her afloat and towing her to Norfolk for the purpose of being repaired, the sum of $1,700; the amount of repairs put upon her at Norfolk was $493, making the full cost of the vessel, when repaired, $2,394.04.

The act of Congress approved December 23, 1852 (sec. 4136, Rev. Stat.), authorizes the Secretary of the Treasury to issue a register or enrollment for any vessel built in a foreign country whenever such vessel shall be wrecked in the United States and shall be purchased and repaired by a citizen of the United States if it shall be proved to the satisfaction of the Secretary that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired.

The question submitted for my opinion is whether the aforesaid sum of $1,700 as aforesaid expended by the American owners after their purchase of the wrecked vessel is to be considered as composing a part of the repairs put upon the vessel so wrecked, purchased, and repaired in deciding upon the claim of the American owners to have a register.

The subjects of the act of Congress above quoted are foreign-built vessels "wrecked" in the United States, "purchased and repaired" by a citizen of the United States, and the cost of repairs put upon such vessel.

The definition of the verb "to repair," as given by standard lexicons, is "to restore to a sound or good state after decay, injury, dilapidation, or partial destruction: to recover."

In the case legislated for the thing injured is a vessel, the injury to it is by being wrecked, that wreck is to be recovered, repaired, restored to a good state after having been wrecked, after having been stranded, or dashed against rocks, or submerged.

The first movement in the repairing of a wrecked vessel would necessarily be to recover her from the submarine or fixed situation, to lift her from the rocks or shoal, to get her afloat or tow her into port where she can safely be overhauled, so that the extent of the injury may be ascertained and amended.

All the costs and charges from the first expenditures to recover a vessel from her wrecked, fixed situation to the last expenditure to put her in proper trim for use in restoring her to usefulness, in earning freight as she was before she was wrecked seem to belong properly to the account of repairs made upon the vessel.

If a house injured by a fire be repaired, would it be proper in computing the cost of repairs to omit expenses of removing from the interior of the burning walls, the smoking ruins, the fallen slates of the roof and the bricks and mortar of the inner, tumbled, crumbled walls, the charges of scaffolds and platforms for the laborers to stand upon while repairing the destruction caused by the fire? That the removal of rubbish and these appliances necessarily used in the reconstruction do not adhere to the building when refitted for habitation would be no reasonable cause for excluding those necessary things from the account when computing the costs of repairing the building.

In my opinion the said sum of $1,700 must be taken into account in solving the question "whether the repairs put upon said vessel shall be equal to three-fourths of the cost of the vessel when so repaired."

Mr. LITTLEFIELD. Mr. Speaker, I am very much amused with the geography of my distinguished friend, whatever bearing that may have on this case. The gentleman speaks of this wreck being 100 miles from my home when it was about 100 miles from the eastern limits of the State of Maine, and I am located about 125 miles from that eastern boundary.

Now, I want to say a few words about this bill as it appears before the House, and I would like the attention of gentlemen here. This bill was reported by the Committee on the Merchant Marine and Fisheries on Thursday last. It was considered by a subcommittee of which I am the chairman, and on Thursday last the committee, without getting a report from the subcommittee, discharged that subcommittee from its duties, in my absence, and without notice to me.

I was opposed to it. The Committee on Merchant Marine, however, took up the bill and ordered it reported. As soon as I learned that the bill had been ordered reported, which was on Friday morning, I asked unanimous consent to have until Monday morning to file minority views, in order that members of the House might have in print the reasons why the minority thought that this bill should not become a law. Those views were filed here this morning, and they are before me now in manuscript. Of course they have not been printed because there has not been time to print them, so that members can not have the benefit of the minority views except as I am able to state them on this floor.

I have no doubt it is to an extent true that some vessels have been admitted under circumstances that might furnish precedents for this. Just for a moment I want to call the attention of the House to the fact that since 1884 there have been admitted by this special legislation 189 vessels, with a tonnage of 121,055. During the time my predecessor, Governor Dingley, served on this Committee on the Merchant Marine and Fisheries, there were admitted to American registry vessels having a tonnage of something like 34,000. I will file with my remarks, because I do not want to take time to read it now, an itemized statement of the vessels thus admitted. There are now carrying the American flag foreign bottoms admitted to American registery by special legislation 127,300 tons.

In the first place, the members of this House must well understand that it costs Americans in American shipyards about 25 per cent more to build their ships than it costs to build them abroad, and every one of these ships admitted, foreign built, to American registry stands her owners from 25 to 50 per cent less as investment

than she would if built in an American shipyard, and she competes in our coastwise and foreign trade with American bottoms under those circumstances. I have not been able to learn that until this Congress, the Fifty-seventh, there has been any organized opposition to the general promiscuous admission of foreign-built ships to American registry. During this term of Congress people interested in the American shipyards and building American ships, by reason of this large amount of tonnage which has been dumped in upon them under these circumstances, for the protection of American interests have felt obliged to make a vigorous protest, and a vigorous protest has been made before the Committee on the Merchant Marine and Fisheries during this Congress.

No bill has been recommended by that committee that would under any circumstances furnish a precedent for this bill now pending. The committee has reported adversely in several instances and announced this proposition by which it would be governed. In three adverse reports the committee say:

> The committee are of the opinion that the immemorial policy of this country to preserve for American-built vessels its coastwise trade intact, and any other privilege to which they should be specially entitled, should be maintained.

The report further says:

> The general law has for a long time authorized, under specific and well-defined conditions, the granting of American registry to a foreign vessel. We do not believe that any such vessels should be admitted to American registry except in strict accordance with these conditions unless there appears to be some extraordinary and unforeseen circumstance that clearly justified and required departure from this general rule.

Mr. HAMILTON. From what is the gentleman reading?

Mr. LITTLEFIELD. From the report of the Merchant Marine and Fisheries Committee, made at this Congress. That is the rule laid down by this committee. This case does not come within that rule. This vessel *Myra* was wrecked at Chebogue Point, Nova Scotia, in the Bay of Fundy, about 100 miles from the eastern point of the State of Maine. She was salved by one James Reid and taken into Halifax Harbor, Nova Scotia. When in that harbor Mr. Gilchrist, a citizen of Michigan, went down and bought her in at public auction. He had nothing to do with saving her. He did not invest anything in so doing, in taking her off the rocks, but simply went down there and on an open speculation invested his money in this ship, buying her at public auction, subject to the salvage charge. He paid $50,000, subject to a salvage charge of $51,000.

Mr. FORDNEY. Will the gentleman permit an interruption?

Mr. LITTLEFIELD. I have but a few moments.

Mr. FORDNEY. I just wanted to say that he did not buy her at public auction.

Mr. LITTLEFIELD. Well, then he bought her at private sale.

Mr. WM. ALDEN SMITH. He did come to the rescue of a personal friend.

Mr. LITTLEFIELD. My minority report, if you had allowed it to have been printed, would have stated that fact.

Mr. WM. ALDEN SMITH. I had nothing to do with that.

Mr. LITTLEFIELD. He went down, and whether he bought at private sale or public auction is immaterial.

Mr. WM. ALDEN SMITH. It does make some difference.

Mr. LITTLEFIELD. He paid $50,000 for this vessel. He testified before the subcommittee that he was advised to go and make that purchase by one Samuel Holmes, a ship broker in New York, who told me in my room that he had been engaged in getting American registers for foreign-built ships, and urged me to admit this vessel. So that when Mr. Gilchrist went down and invested $101,000 in this foreign-built ship he knew that he was taking the chances of getting her admitted to American registry by special legislation. He gambled upon the prospects of being able to get this bill through the committee and through the House. That was no doubt a legitimate speculation. I make no complaint about Mr. Gilchrist. My objections are general. He is an honorable gentleman and appeared thoroughly well before the committee—entirely straightforward. He stated these facts. He did not put them exactly as I state them, but these are the facts. There is no question about this vessel having been wrecked outside of the United States.

There are only two circumstances under which the Commissioner of Navigation can admit a foreign-built ship to American registry: First, she must be wrecked inside the waters of the United States, and second, her owner must expend three-quarters of her value in an American shipyard or in repairs—the statute does not in terms require the repairs to be made in an American shipyard, though that is a fair inference. This vessel may cost to repair $71,500, and they estimate $30,000 for additional expenses, in all $202,500, made up as follows: $101,000 purchase price and salvage; $71,500 repairs by contract, and $30,000 estimated, and by his own statement Mr. Gilchrist will expend only $101,500 in repairs. In order to come within the condition it would be necessary for him to spend at least $150,000 for repairs, and he falls $50,000 short of that. Now, these are the circumstances and these are the conditions.

How much time have I left, Mr. Speaker?

The SPEAKER. Seven minutes.

Mr. LITTLEFIELD. I have no objection to this case by reason of the fact that Mr. Gilchrist is the purchaser and seeking this register; but I think we are obliged to stand here and maintain this policy of the Government. This vessel when built and repaired by him, as I am reliably informed, while costing him only $201,000, would be worth——

Mr. HAMILTON. When was this policy inaugurated which the gentleman now advocates? You speak of this policy.

Mr. LITTLEFIELD. The policy so far as this present bill is concerned was inaugurated in this Congress.

Mr. HAMILTON. Just inaugurated?

Mr. LITTLEFIELD. Just inaugurated in this Congress.

Mr. HAMILTON. It is being inaugurated now by the gentleman, is it not?

Mr. LITTLEFIELD. Not necessarily; not at all.

Mr. HAMILTON. Is not this the first instance?

Mr. LITTLEFIELD. No; it was inaugurated in three instances which have already been reported adversely to this House in the cases of the *Antiope*, the *Melanope*, and the *Vantromp*.

Mr. WM. ALDEN SMITH. None of which you favored?

Mr. LITTLEFIELD. Of course I did not, because I was on the committee that adversely reported each of them. I reported that in the case of the three, and everyone of them was wrecked outside of American waters and had repairs put on them in American shipyards; and the committee made the same report in each instance, which was a unanimous report from this committee at this session. Here is the list I call your attention to, showing the number of tons that have been coming in in years past.

TREASURY DEPARTMENT, BUREAU OF NAVIGATION,
Washington, February 24, 1903.

Mr. Dingley was connected with the Committee on Merchant Marine and Fisheries from 1886 to 1890, as stated in a telephonic message from the Capitol.

This does not include vessels admitted under special acts, as Porto Rican vessels, Hawaiian vessels, etc.

T. B. SANDERS.

Vessels admitted to American registry under general act of Congress.

Name.	Gross tonnage.	Flag.
1884.		
Perseverance[a]	708	British.
Coal King	1,000	Do.
Richmond Talbot	512	Spanish.
Alabama	370	Norwegian.
Druid	100	British.
Wide Awake	117	Do.
1885.		
Daisy Spraker[a]	53	British.
Josephine	508	Italian.
Black Hawk	9	British.
Chas. C. Buel	192	Do.
Monarch	206	Do.
Julia Foard	469	Hawaiian.
Eldora	84	British.
Gussie Bishop	101	Do.
Honora Carr	112	Do.
1886.		
Clara S.	63	British.
Starbuck	2,157	Do.
Detroit	316	Do.
Nellie Blanche	139	Do.
1887.		
Jennie S	185	British.
Bat	99	Do.
F. E. Spinner	1,003	Do.
Elgin	330	Do.
Mabel Stoddard	730	German.
William Warren	115	British.
Vigil	155	Do.
Shawmut	1,624	Do.
Charles E. Babbitt	145	Do.
Alena Covert	181	Do.
Atlas	1,723	Do.
Wellgunde	341	German.
Stephen C. Clarke	276	British.
Lillian Hyatt[a]	123	Mexican.
Tabasco	265	Spanish.
1888.		
Marie	1,043	German.
Fairy Belle	629	British.
Tillid	447	Norwegian.
Hudson[a]	1,108	German.
R. A. Fisher	970	Norwegian.
Progreso	1,919	British.
Governor Jackson	515	Do.
George Clinton	339	Do.
Milton	19	Do.
Seth Low[a]	747	Do.
Yulan	91	Do.
Mars	2,480	French.

[a] American built.

Vessels admitted to American registry under general act of Congress—Cont'd.

Name.	Gross tonnage.	Flag.
1889.		
Zamora	120	British.
William and Joseph Hagan	234	Norwegian.
Richard P. Green	300	British.
Pancheto	253	Mexican.
Plymouth	618	British.
Agnes B	11	Do.
Escort	541	Do.
Edward S. Pease	542	Do.
Tivoli	1,039	Do.
Ellida	607	Swedish.
Primrose	315	British.
John F. Nickerson	95	Do.
Rondout	815	Do.
Davis Brothers	142	Do.
Glendy Burke	94	Do.
Edward H. Jenks	150	Do.
Harvester[a]	754	Do.
1890.		
Egg Rock	77	British.
Saugerties[a]	1,063	German.
E. D. Palmer	277	British.
Laura E. Davis	16	Do.
Bluefields	485	Do.
Governor	572	Do.
Brixham	626	Do.
Kingston	1,070	Do.
Milton	867	Norwegian.
Max	186	British.
Chas. C. Ryan	491	Do.
Naomi	25	Do.
Santuit	1,337	Do.
1891.		
Esopus	620	Italian.
Yonkers[a]	1,265	German.
Panope	91	British.
Bessie H. Gross	116	Do.
Romola	451	Do.
Dart	12	Do.
1892.		
Albion	104	British.
Maggie Hurley	88	Do.
Croatan	1,044	Mexican.
Irma	53	British.
West Point	1,213	Do.
Irene[a]	45	Do.
W. R. Hutchings	450	Do.
L. S. Wyman	89	Do.
Echo	19	Do.
1893.		
Morning Star	9	British.
S. H. Sawyer	103	Do.
Sterling	256	Do.
Gracie T	109	Do.
Florida	1,601	Do.
Raritan	769	British-Norwegian.
Saucy Lass	8	British.
1894.		
Schilde	338	British.
Olive G	15	Do.
Mary A. Day[a]	26	Do.
Brandywine[a]	1,236	German.
Bonnie Belle	9	British.
Gabrielle	454	Italian.
Manitou	333	British.
Tampico[a]	134	Venezuelan.
1895.		
Glenola	135	British.
Amanda E	72	Do.
Francine	15	Do.
May Flint	3,427	Do.
Washtenaw	2,896	Do.
Norseman	660	Do.
Talisman[a]	313	Do.
1896.		
Delaware	2,461	British-Spanish.
Nellie King	104	British.
Mildred E	118	Do.
Pensacola	1,696	Do.
Edna[a]	53	Do.
Felix	1,174	German.
Mabel E. Goss	95	British.
1897.		
Thos. B. Reed	115	British.
Margaret	315	Russian.
Sterling	2,016	British.
Arthur B. Smith	83	Do.
Number Three	1,060	German.
Brooklyn	1,362	British.
Louis H	323	Swedish.
1898.		
Sophia	468	Norwegian.
Algonquin[a]	10	British.
Biscayne[a]	152	Mexican.
Evelyn	1,963	British.
M. S. Dowling	343	Do.
Irrawaddy	2,553	Do.
Clintonia	1,876	Do.

[a] American built.

Vessels admitted to American registry under general act of Congress—Cont'd.

Name.	Gross tonnage.	Flag.
1898.		
Idler	9	British.
Marion Chilcott	1,737	Do.
Merrimac	3,362	Norwegian.
Nyack	1,375	Do.
Ceres	359	German.
Allan M	55	British.
Rena	42	Do.
1899.		
Carib	2,087	British-Austrian.
Mildred	128	British.
Montana	852	British-Norwegian.
Florida	1,071	British-German.
Colleen	548	Swedish.
Allegheny	3,009	British.
Abbey Palmer	1,943	Do.
Nora	761	British-Norwegian.
Clara E. Comee	138	British.
Baker	996	Norwegian.
Canaria	272	British.
Coalinga	874	Do.
Newburgh	524	Do.
1900.		
Bismarck	12	British.
Bangalore	1,743	Do.
William McKinley	318	Do.
Olive	172	Do.
Helen Buck	797	Norwegian.
Ariadne	529	German.
Western Ear	92	British.
Alcæa	403	Do.
Rondo	107	Do.
Michigan	2,798	British-Norwegian.
Ajax	688	British-Russian.
J. Arthur Lord	212	British.
Alma	134	Do.
1901.		
Grit	7	British.
Lassell	1,972	Do.
Californian	4,436	Do.
Norfolk	2,674	Do.
Scythian	302	Do.
Edith	2,369	Do.
Hindoo	622	Norwegian.
1902.		
Dorothy	2,214	British.
Salvor	170	Do.
Yarkand	1,347	British-Russian.
Vineta	668	Norwegian.
Jessie Banning	639	British.

[a] American built.

Foreign-built steam vessels understood to be now in commission admitted to American registry.

Name.	Tonnage.	Name.	Tonnage.
Aries	832	Philadelphia	10,786
South Portland	909	Florida	1,786
Shawmut	1,624	Oneida	1,322
Progreso	1,919	S. Oteri	1,043
Saginaw	1,835	Washtenaw	2,896
Bluefields	736	Pensacola	1,696
Australia	2,755	Evelyn	1,963
David	1,337	Navahoe	1,879
Stillwater	1,019	Leelanaw	1,923
Elihu Thompson	896	Catania	2,635
Conemaugh	2,328	Centennial	2,075
George W. Kelley	483	Zealandia	2,730
Czarina	1,045	China	5,060
Mineola	2,438	Arkadia	2,206
Foxhall	843	Carib	2,087
New York	10,674	Ambrosio Bolivar	158
Matanzas	3,094	Claudine	840
Enterprise	2,675	San Mateo	2,926
Buena Ventura	1,685	Esther	479
Tacoma	2,811	Lassell	1,972
Victoria	3,502	Czamo	4,436
Olympia	2,837	Argyll	2,953
Hector	2,929	S. V. Luckenbach	2,674
Harry Luckenbach	2,798	Edith	2,369
Bowhead	381	Sythian	302
Garone	3,945	Dorothy	2,214
Aztec	3,508		
Barracouta	2,152	Total	127,300

Mr. HAMILTON. You said 28 vessels had been admitted during this Congress?

Mr. LITTLEFIELD. Oh, no. From 1884 up to 1902 179 vessels have been admitted, and that is the reason why men who have had their money invested in American shipyards, in American ships, have found it necessary to make a vigorous protest, to inquire whether or not the policy of the statute laid down in 1852 is to be maintained by this Congress or whether they are to be subjected to competition by foreign vessels under these circumstances.

Mr. PAYNE. Has not the policy been with reference to these 179 vessels that at least three-quarters of the value must have been put on in repairs?

Mr. LITTLEFIELD. I imagine that may be correct, because the gentleman from New York was chairman of the committee for a long while, and is therefore able to state the circumstances under which these 179 vessels have heretofore been admitted—that three-quarters of the value must be put on in repairs in American shipyards.

Now, there is no basis upon which that can be so in this case, because in all, including $100,000 in repairs to be put on, the total cost is $200,000.

Now, with these suggestions, Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. DALZELL], and reserve the balance of my time.

Mr. DALZELL. Let us hear from the other side.

Mr. LITTLEFIELD. Very well; then I reserve the balance of my time.

Mr. METCALF. In the course of your remarks you said you had not understood that any protest had been made against granting an American register until this session of Congress.

Mr. LITTLEFIELD. Not until this term.

Mr. METCALF. But that a vigorous protest had been made at this time.

Mr. LITTLEFIELD. Yes.

Mr. METCALF. Have you any objection to stating by whom the protest was made?

Mr. LITTLEFIELD. Several large shipyards, the Newport News yard, the New York and New England Company, and a Hawaiian company. There are several large companies that have made protests.

Mr. METCALF. Just one more question.

Mr. LITTLEFIELD (continuing). And it has been made by the largest shipowning concern in my own district, Arthur Sewell & Co.

Mr. METCALF. A shipbuilding company made the protest in this particular case?

Mr. LITTLEFIELD. They did.

Mr. METCALF. They put in their bid for repairing this particular ship, did they not?

Mr. LITTLEFIELD. I don't know how that may be.

Mr. METCALF. Was not that statement made before the subcommittee?

Mr. LITTLEFIELD. Yes; that statement was made before the subcommittee, but not before the full committee. That is, I don't know what statement was made before the full committee; I was not there.

Mr. HENRY C. SMITH. Is it not a fact that this Newport News company that you speak of had their man there and made a bid on this very work, and because they did not get it they protested most vigorously?

Mr. LITTLEFIELD. No; that is not a fact.

Mr. HENRY C. SMITH. Did not that appear before the committee?

Mr. LITTLEFIELD. No; it did not appear before the committee. Mr. Gilcrist threw out that insinuation, just exactly as my friend from California [Mr. METCALF] has thrown it out, and just as some other gentlemen may desire to throw it out. It did not appear that Mr. Gilcrist said that. The specifications in this case were submitted to the Newport News shipyard and their bid was not accepted. That is all there is of it.

Mr. FORDNEY. They put in a bid and because their bid was higher than the Cramps it was rejected, and therefore they oppose it.

Mr. LITTLEFIELD. The gentleman does not, of course, undertake to say that they said that, except by insinuation.

Mr. FORDNEY. He said that they had bid and their bid had been rejected.

Mr. LITTLEFIELD. He did not undertake to say that except as an insinuation just as my friend from Michigan is saying by way of insinuation that that is the reason why they opposed the American registry being given to this vessel. If the gentleman will pardon me let me say that Mr. Payson, who represented that shipyard, said that they wanted notice from this committee of every case of application made for giving a foreign-built ship an American register, because he was instructed by his clients to make a vigorous opposition to such legislation. That is what he said.

I reserve the balance of my time.

Mr. WM. ALDEN SMITH. Does the committee propose to furnish him with that notice?

Mr. LITTLEFIELD. Yes.

Mr. WM. ALDEN SMITH. Is he entitled to it?

Mr. LITTLEFIELD. He is a citizen, and representing the American merchant marine; I think everyone is entitled to that information when it is proposed by any legislation to indirectly repeal the law on the subject.

Mr. WM. ALDEN SMITH. They are not the guardians of our legislation.

Mr. LITTLEFIELD. They are not the guardians of our legislation, but as individuals they have got the right to be heard.

The SPEAKER. The gentleman reserves the balance of his time. The gentleman has five minutes remaining.

Mr. FORDNEY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. HOPKINS].

Mr. HOPKINS. Mr. Speaker, I have served as a member of the Committee on the Merchant Marine and Fisheries nearly ten years during my service in this House. I was also present at the time when this bill was finally passed upon by the committee, in the absence of the gentleman from Maine. I will state to the members of this House that there was no intended discourtesy to the gentleman from Maine. The committee after full consideration determined the bill to be meritorious, and decided to favorably report it to the House.

The gentleman from Maine has read a statement here showing that it has been the policy of this Government for many years to permit American register under the conditions presented here. He has shown, from the Commissioner of Navigation, that nearly a hundred vessels within the last fifteen years have been admitted under those conditions. So that when the contract was made to take this vessel from the rocks and into port and to an American shipyard and have these repairs made, these precedents were all before these parties. They understood if they complied with the requirements of the statutes of the United States that American registry would be granted to this ship.

Now, we have a general statute that provides that where the expense of the repairs amounts to three-fourths of the value of the ship, the Secretary of the Treasury can grant an American register; and the only technical objection is that this vessel was wrecked in foreign waters, about 100 miles outside the limits of the waters of the United States. The salvage that is paid for it, and the amount of money that is paid for the repairs, in the aggregate amount to three-fourths of the value of the ship. If that be so, I can not see any valid reason why it should be denied an American registry.

Mr. LITTLEFIELD. Excuse me just a moment. I may be wrong in my calculation. Are you able to figure out anything in excess of $201,000?

Mr. HOPKINS. I am estimating the salvage at $50,000.

Mr. LITTLEFIELD. You recognize salvage as a part of the repairs?

Mr. HOPKINS. That is what it cost to get the ship off the rocks and get it to the shipyard. The repairs will aggregate one hundred thousand more, and together they make about three-fourths of the value of the ship.

Mr. LITTLEFIELD. You estimate the salvage as a part of the repairs?

Mr. HOPKINS. Yes, sir. The gentleman from Maine says the Committee on the Merchant Marine and Fisheries have adopted a new rule that excludes this ship from American registry.

That rule, if it has been adopted by that committee, was not in vogue and was not known at the time these expenses were incurred. That rule has not been made familiar to the members in this House or the members of the Senate; and I submit that after these men have gone forward and expended one hundred and fifty-odd thousand dollars to get this vessel off the rocks, and paid American workmen in American shipyards $100,000 and a little over for repairs, that we ought to grant the same privilege that we have been granting in nearly one hundred other cases. I now yield back the balance of my time.

Mr. LITTLEFIELD. I yield to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, from the foundation of the Government down to the present time it has been the American policy to secure and preserve our coastwise trade for vessels built in American shipyards. Down until 1852 it would have been impossible to have taken a wreck within the waters of the United States and have it repaired in an American shipyard and secure an American register. Fifty years ago a concession was made, and it was provided that a vessel wrecked within the waters of the United States might be raised and taken to an American shipyard, and if there were repairs equal to three-fourths of her value put upon her, she might have an American register.

Mr. PAYNE. But salvage was no part of it?

Mr. DALZELL. Not at all. Now, this bill not only asks us to go a step beyond the provisions of section 4163 of the Revised Statutes, the act of 1852, but it asks us to say to the Secretary of the Treasury that if he finds there has been not three-quarters of the value of the vessel put upon her in repairs, but if he finds the repairs and the salvage, with which the American laborer, the

American capitalist, or the American shipyard have nothing to do, if he finds that these two items——

Mr. HOPKINS. I want to say to the gentleman that in this instance it was the American laborer that did this.

Mr. DALZELL. Not at all; the vessel was wrecked 150 miles beyond the limits of the United States. Now, I can not yield to the gentleman; I have only a minute. There is no use in disguising the fact; this is a plain, simple case of an attempt to get an American register for a foreign-built vessel in place of investing the money in the product of an American shipyard. I do not care whether the Cramps complain, or whether the Newport News people complain, or who else complains; I am complaining in behalf of my constituents, who, when they want a coastwise vessel, go and buy it in an American shipyard.

I am complaining of the unfair treatment which allows the beneficiary in this case to go to a ship broker in New York and buy a foreign vessel instead of buying a vessel built by American labor, by men who are paid American wages, by men who have invested money and capital in the protection of American labor and in the building up of American industry. It is a question of protection or free trade in the case of this particular vessel sought to be admitted to the coastwise trade. I protest against it—I protest against it as un-Republican in policy, I protest against it as unfair to American labor, and as the inauguration of or continuance of a policy that ought to be abandoned in the interest of home industry. [Applause.]

Mr. FORDNEY. Mr. Speaker, I now yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. LITTLEFIELD. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has a minute and a half.

Mr. GROSVENOR. Mr. Speaker, I rise simply to say and repeat what my colleague from Illinois [Mr. HOPKINS], on the committee, has said—that nobody intended any disrespect to the distinguished member of the committee from Maine; but we did think, upon the statement made and urged by the gentleman from Michigan, that this case came well within the rule laid down in the law, with the single exception that the wreck of the ship was in foreign waters instead of American waters. I think the accident occurred about 100 miles distant, and that stood between her and the right to demand under our statute an American register. I have opposed the granting of these registers upon the same ground as does the gentleman from Pennsylvania. This especially long list of ships and vessels admitted to American register is due to change of sovereignty, change of ownership, in the Hawaiian Islands and elsewhere; that has had a good deal to do with the admission of these ships to American registry.

I am glad to find that there is a feeling on our side of the House that there is something involved in the Republican policy of those trying to build up the merchant marine. I take occasion to say that if the policy that has been adopted in this House and in the Senate for the past ten months is to prevail, there will not be a shipyard in the United States, three years from to-day, building ships for the American merchant marine for seagoing vessels. These shipyards will go where the Virginia yard went a few days ago. There are not many shipyards in Massachusetts that can stand the loss of a half a million dollars a year, as one is said to be doing now.

This whole policy is involved right here, and yet when you talk about upbuilding the merchant marine men who want to subsidize the irrigation of the public lands, and who want to subsidize the creameries of the country, and subsidize the fast mails to the South, are shouting against subsidies to the American merchant marine. We are paying $200,000,000 a year to laborers in foreign countries while our own laborers are standing still. [Applause.] The condition I refer to is not met by the condition of our inland shipyards on the Great Lakes. I refer to our shipbuilding industries engaged in building ships for ocean service, and which have to meet the crushing competition of European shipyards.

Mr. FORDNEY. Will the gentleman from Maine use his time now?

Mr. LITTLEFIELD. I will after the gentleman has used some more of his time; then I will use the balance of my time.

Mr. FORDNEY. I yield two minutes to my colleague from Michigan [Mr. HENRY C. SMITH].

Mr. HENRY C. SMITH. Mr. Speaker, the main fact in this case is that if the ship had met with the disaster in American waters she would under the general law have been entitled to American registry, for there is no question but what the amount spent upon her meets the requirements of the statute. My friend from Maine [Mr. LITTLEFIELD] may talk about the definitions of the dictionary, but the definition of the Commissioner of Navigation, backed by the opinion of the Attorney-General, brings this case within the law, with this exception, that the vessel was wrecked just a few miles beyond American waters. That is the situation. And let me say to the gentleman from Maine that under this bill it is finally left for the Commissioner of Navigation to admit this vessel to an American register if the expense, labor, and material—American labor and material—put upon the vessel in America shall meet the requirements of that statute. If those requirements are not met the vessel is not entitled to American registry.

Now, this is only a question of letting these gentlemen from my State enter into competition in the coastwise trade of the United States with the constituents of the gentleman from Maine, and as between the two we simply ask that the same consideration and the same treatment be accorded to the citizen of Michigan that has been accorded to the citizens of the various States in the case of 28 other boats under similar conditions.

This legislation proposed is eminently just, fair, and equitable. The ship, as reconstructed and rebuilt and made ready for service, becomes and in reality is an American-built boat, for under the law three-fourths at least of her value must be made up of American material and American labor. This being so, there can be no danger that enactments of this kind will in any serious manner injure American shipbuilders. In the case of this boat under consideration, which had only been in commission about ten months, she was substantially new and worth no doubt $200,000. She was on a trip from Boston, with a cargo destined to Cape Breton Islands. She was owned by citizens of England, carrying the flag of Great Britain, manned and controlled by British sailors.

As she was rounding the point below the Bay of Fundy in a severe storm, she is cast upon the rocks—fairly driven into the rock—on Chebogue Point, Nova Scotia, only a little over a hundred miles eastward from the coast of Maine. By this disaster her value is taken from her; she is destroyed. The wreck is such—she is so embedded in the rock—that the Canadian wreckers, ripe in experience, are not able to rescue her. She is given up to perish. An American citizen, with Yankee genius and Yankee grit, undertook the saving of this boat, and by a feat worthy of commemoration blasted away the rock—blasted a canal through which this ship was drawn to the deep water. The owner came to the aid of the wrecker and paid $50,000 for the boat as she lay stranded on the rocks. He paid the wreckers for their services $51,000 more. And now he must expend from one hundred to one hundred and fifty thousand dollars in addition before she is seaworthy—before she can enter into the coastwise trade. She was rated A 1, and we need just such ships as this.

The contention made by some that our merchant marine will be made up of rebuilt wrecked boats is, I submit, without merit. It is claimed that because ships can be built for less money in foreign lands than here at home—25 per cent less, I think it is claimed—that ships will be built elsewhere and wrecked conveniently, or otherwise, bought up on speculation, and with the hope that Congress will give them American registry, and that the shipyards of America will be ruined. And appeal is made to protect American labor and American interests. And the claim is made that this legislation is in the line of setting aside tariff principles. I submit that there need be no well-grounded fear in these directions. And I want to say further, the shipyards are now overtaxed, that American labor has made no complaint, and, as I have before said, the greater part of the value of this boat is now made up of and is the result of American material and American labor. And if such argument were to apply to the case under consideration, it would apply with equal force to boats which are wrecked within American waters. And this would have been a good argument to have urged when Congress passed the act permitting American registry to ships which were wrecked within American waters. And it would be an equally good argument favoring the repeal of this act if this was before the House.

But so long as the law remains as it is and this legislation is simply to remove the technical bar of the boat being destroyed just outside of American waters and saved under circumstances of equity which moved the committee to favorably report the bill, it is respectfully submitted that relief should be granted to the owner, an American citizen, and that no one will be seriously harmed. When the act of Congress permitting registry of foreign vessels wrecked in American waters was under discussion before the committee and before the House, when it was passed, the question was considered as to foreign-built boats wrecked in foreign waters near to the American coast, and the claim was made that the equities might be strong in favor of admitting such boats to registry, and the answer was made that cases of special merit might receive favorable consideration and the technical provision of the statute removed.

Since 1884 nearly 200 boats have been admitted to American registry—foreign boats wrecked over here. And since the year 1895 there have by special acts of Congress been 28 foreign-built ships admitted to American registry, and admitted to engage in the coastwise trade in free and equal competition with American-built ships, and which met disaster and were wrecked in foreign

waters. And these were saved and rescued by foreign wreckers, bought and owned and repaired in American shipyards by American owners. Here are 28 precedents for the action which the House is asked to take. And this case is even stronger than the others, for in this case, as I have said, the boat was rescued and saved by an American wrecker.

None but selfish interests object to this legislation. The Secretary of the Treasury has frequently and freely expressed the policy of that Department not to be in opposition to such legislation.

We simply ask that Congress act for the public good and not for the special benefit and advantage of any particular community or neighborhood. The greatest good to the greatest number, a fair field and no favor, equal rights and justice to all, and special favors to none.

Mr. FORDNEY. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. FORDNEY. I yield two minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, I believe in the passage of this bill, because it is in accordance with the best business policy. If anyone could object, it is the owners of the shipyards. The shipyards of the country are overrun with orders. They are months and years behind. At any rate, the demand for shipping property is very much in excess of the supply.

In regard to the admission of foreign vessels to American registry after having been wrecked, our policy has been liberal. This vessel was saved by an American wrecking company after a Canadian wrecking company had given her up. That forms an additional reason in favor of passing this bill. I, like the gentleman from Pennsylvania, am a protectionist, but I do not believe in the abuse or exaggeration of that policy.

Mr. LITTLEFIELD. Mr. Speaker, my information does not accord with that of the distinguished gentleman from Ohio [Mr. BURTON], that our shipyards are overrun with orders. I do not understand that to be by any means the fact, and I get my information directly from the yards themselves.

I have just had a conference with the distinguished gentleman from New York [Mr. PAYNE] who was chairman of this committee for four years, on the question as to whether salvage was ever considered by this committee in determining the amount of "repairs;" and he tells me that his recollection is that in no instance while he was chairman was any vessel ever admitted by that committee to a new registry in a case where salvage was computed as repairs. Every maritime lawyer knows that salvage is covered by maritime insurance and it is a part of the maritime enterprise; salvage enters into the element of insurance and is entirely distinct from repairs. This whole case as presented here rests upon this question, whether salvage can be counted as repairs. This bill itself, drawn by the attorneys of the gentlemen who make this application, contradicts their position, because the terms of this bill are:

> Whenever it shall be shown to the Commissioner of Navigation that the salvage and the repairs made in a United States shipyard have amounted to three times the price paid for the wreck to her foreign owners, exclusive of salvage.

If salvage is included in the repairs, why does the attorney who drew this bill say "the salvage and the repairs." He knows that the salvage is not included. He knows that saving a vessel can not be done in American shipyards because it is done upon the high seas, and therefore can not be called repairs.

[Here the hammer fell.]

Mr. LITTLEFIELD. I print by leave herewith my minority views in this case.

AMERICAN REGISTER FOR THE SHIP MIRA.

Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, submitted the following minority views to accompany H. R. 16734:

The minority of the Merchant Marine and Fisheries Committee herewith submits reasons why this bill should not pass.

This is an application for an American register for a foreign-built steamer called the *Mira*. As we understand this case, the Merchant Marine and Fisheries Committee early in the last session deliberately adopted a policy to which it was proposed to adhere in passing upon applications of this sort. That policy may be found declared in the adverse reports in the cases of the *Antiope*, H. R. 3788, report No. 1842; the *Admiral Tromp*, S. 2705, report No. 1844, and the *Melanope*, H. R. 6035, report No. 1843, and is therein stated as follows:

"The committee are of the opinion that the immemorial policy of this country to preserve for American-built vessels its coastwise trade intact, and any other privilege to which they may be specially entitled, should be maintained.

"The general law has for a long time authorized under specific and well-defined conditions the granting of American registry to a foreign vessel. We do not believe that any such vessels should be admitted to American registry except in strict accordance with these conditions, unless there appears to be some extraordinary and unforeseen circumstances that clearly justify and require departure from this general rule."

The statute referred to, section 4136, reads as follows:

"The Commissioner of Navigation may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Commissioner that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired."

This has been the law of this country since December 23, 1852.

The facts in this case are, briefly, as follows:

About a year ago the *Mira* was wrecked on the rocks of Chebogue Point, Nova Scotia, 100 miles from the nearest point in the United States, while on a voyage from Boston bound for Cape Breton. She was salved by one James Reid, of Port Huron, Mich. After having been salved she was towed to Halifax, Nova Scotia, where the beneficiary in this bill, Mr. W. A. Gilchrist, purchased her at auction of her foreign owners for the sum of $50,000 in cash, subject to the salvage charges, which were $51,000, making the actual cost of the *Mira* in Halifax as she then stood, to her purchaser, $101,000. There were ample facilities for her repair at Halifax, so that there was no occasion for her removal for that purpose.

She has been since towed to the Cramps' shipyards, where she is being repaired under contract to repair her hull and machinery for the sum of $71,500. It is claimed and estimated that something like $30,000 may be further expended in fitting her for sea, although no detail of the estimate was made or filed with the committee, and no contracts appear to have been made therefor.

It appeared before the committee that she was purchased by Mr. Gilchrist with the full knowledge that she was a foreign-built ship; that he knew there was no law authorizing her admission to American registry, and that he was gambling upon his chances, under the circumstances, of securing an American registry for her after she was repaired. It further appeared that he bought her upon the word of one Samuel Holmes, a ship broker of New York.

There did not appear to be any reason why he should make the investment, except on the basis of making the purchase at a low price with a hope of getting the registry after the repairs, and thus adding very greatly to her value, unless, as was suggested by him, motives of personal friendship to Mr. Reid, who, it was said, was unable from a financial standpoint to properly protect his interest in the vessel as the salvor thereof by purchasing the vessel subject to said salvage. Therefore Gilchrist was under no obligation of any kind to him and under no obligation to purchase. Mr. Gilchrist is a purchaser of the vessel with a full knowledge of her legal character and all of the chances involved in the enterprise and assumed the risks without any hesitation or question. There are no "extraordinary and unforseen circumstances" in this case. On the contrary, the circumstances are ordinary and everything foreseen and can probably be substantially duplicated in many applications.

This vessel does not come within either of the provisions of the statute granting American registry to wrecked foreign vessels.

First, it is of course clear and beyond dispute that she was not wrecked in the waters of the United States. The only other question remaining is whether the repairs to be put upon the vessel are equal to "three-fourths of the cost" thereof. The total cost of this vessel is as follows: $101,000, purchase price (which includes value of wreck, $50,000, and expenses of salvage, $51,000); contract for repairs with the Cramps, $71,500; additional repairs, according to the claim and estimate of Mr. Gilchrist, $30,000, aggregating $202,500 as the total cost. One-quarter of this sum is $50,650, and three-fourths would be $151,950, the amount necessary under the second provision of section 4136 to be expended by her owner in order to entitle her to registry under that clause. The total sum of $202,500, we have no doubt, is the extreme limit of the cost of this vessel. We have no doubt that the $30,000 for the additional repairs is also the extreme limit for those, as the only estimate furnished to the committee was that furnished by Mr. Gilchrist, and it is fair to presume that he would not minimize the amount.

The total amount of "repairs put upon such vessel," according to this statement, would be only equal to $101,500, instead of the necessary $151,950 to entitle her to a register under that clause. So it will be seen that under neither of the provisions in the general statute would this vessel be entitled to any consideration.

But it is suggested by the beneficiary that the salvage, $51,000, should be reckoned as "repairs," and, in fact, is "repairs" within the meaning of this section of the statute. The first suggestion to be made upon this point is that the bill drawn by his attorney and now pending before the House distinctly negatives that contention, as it concedes and assumes that salvage is not a part of the repairs. It authorizes the register of the *Mira* under the name of *Beaumont*, "whenever it shall be shown to the Commissioner of Navigation that the salvage and the repairs made in a United States shipyard have amounted to three times the price paid for the wreck to her foreign owners, exclusive of salvage."

It is very clear that the attorney who drew this bill knew that the term "repairs" was not sufficient to include salvage; otherwise salvage would not have been specified as one of the elements making up the total amount of "three times the price." The term "repairs made in a United States shipyard" is undoubtedly one that is common to all bills in this class of legislation and is, perhaps, intended to express in the act the spirit of the law. The incongruity of assuming that salvage is a part of the repairs appears very obviously in that connection. The bill says that "whenever it shall be shown to the Commissioner of Navigation that the salvage and the repairs made in a United States shipyard have amounted to, etc." The gross absurdity of "salvage" "made in the United States shipyards" is too obvious for discussion, and simply illustrates the inconsistency of including salvage in the term "repairs."

The attention of the committee was called to several decisions by Attorneys-General and officers of the Department construing the term "repairs" under this section to mean and include "salvage." The earliest opinion appears to have been given by Attorney-General Crittenden, February 14, 1853, and is found in volume 5, Opinions of Attorney-General, page 674–675. In order to reach the conclusion that "salvage" was a part of "repairs" and properly included in that term, in order to make up the necessary three-fourths to entitle the vessel to registry under that provision, the Attorney-General had recourse to what he calls "the definition of the verb 'to repair' as given by standard lexicons," which he says is "to restore to a sound or good state after decay, injury, dilapidation, or partial destruction;" "to recover." The first thing to be suggested about this definition is that it is a definition of the verb "to repair," and not a definition of the noun "repairs," which is the word used in the statute. Without stopping to analyze it, I think it clear that the verb "to repair" has more significance and a wider and broader meaning than the noun "repairs" used in the statute, but the Attorney-General in this case apparently based his conclusion upon the term "to recover," as he says: "In the case legislated for, the thing injured is a vessel; the injury to it is by being wrecked; that wreck is to be recovered, repaired, restored to a good state after having been wrecked, etc."

"The first movement in the repairing of a wrecked vessel would necessarily be to recover her from the submarine or fixed situation."

It is apparently because of this extended meaning of "to recover" that the Attorney-General construes the term "repairs" to cover everything from the beginning of the accident to the vessel to the time she reaches the shipyard and is actually repaired in the yard.

I have examined a number of the standard lexicons, and we give the definitions found therein herewith:

The Century says: "Repair: To restore to a sound, good, or complete state after decay, injury, dilapidation, or partial destruction; restore; renovate."

Bouvier's Law Dictionary defines "repairs" as follows:

"That work which is done to property to keep it in good order. Repair

is held to mean to restore to a sound state after decay, injury, dilapidation, or partial injury."

Anderson defines "repairs" as follows:

"To replace a building as it was or to restore it after injury or dilapidation; not to enlarge or elevate it by raising it a story or extending its sides."

Webster defines "repair, v. t.," as follows:

"To restore to a sound or good state after decay, injury, or partial destruction; to renew, to restore, to mend, as to repair a house, a road, a shoe, or a ship."

"Repairs, noun: Restoration to a sound or good state after decay, waste, injury, or partial destruction; supply of loss; reparation, as materials are collected for the repair of a church or a city."

Black's Law Dictionary gives the following definition:

"Repairs: Restoration to soundness; supply of loss; reparation; work done to an estate to keep it in order."

"Repair means to restore to its former condition; not to change either the form or material of a building."

In Worcester I find the only definition that even remotely tends to sustain the opinion of the Attorney-General quoted. He gives various definitions of the word "repairs," as follows:

"Repair, v. a. 1. To restore or make good after injury, dilapidation, or loss; to mend; to refit; to retrieve.

"2. To make amends for; to redress.

"3. To recover (a Latinism).

"Repair, n. Act of repairing or state of being repaired, restoration after injury, dilapidation or loss; reparation; amends; redress."

It is significant, however, to note that this term "to recover," given as a definition by Worcester, is stated by him to be "obsolete." When it appears that the opinion of the Attorney-General, delivered in 1853, is mainly based upon a construction of the word "repairs" and an enlargement of its term which rests altogether upon a definition which was obsolete, it seems to me that it is by no means a safe or proper guide in construing legislation which we feel safe in assuming was written in language that was in common use and as ordinarily understood, and not in a vernacular and in accordance with a meaning that had ceased to exist.

The definition of the term "salvage" is extremely significant in indicating that "salvage" can not by any means include "repairs," and also indicating that it is a practical impossibility for the term "repairs" to include "salvage."

"Salvage" is defined by Anderson as follows:

"1. Allowance for saving a ship or goods from the danger of the seas, from fire, pirates, or enemies.

"The compensation allowed to persons by whose voluntary assistance a ship at sea or her cargo or both have been saved in whole or in part from impending sea peril, or in recovering such property from actual peril or loss, as in cases of shipwreck, derelict, or recapture."

It is not necessary to argue that this definition could not by any stretch of language or construction be held to include "repairs," and it is equally difficult to see how "repairs" used in its ordinary signification, as it must have been used in this legislation, can be held to include "salvage." From a maritime standpoint they are two absolutely distinct matters, neither having any connection with or dependence upon the other. What would be said if under a statute giving a lien for repairs a lien was undertaken to be enforced for salvage or vice versa?

It is no doubt clear that the statute contemplates the performance of the "repairs" in an American shipyard, although the statute does not so state. This bill assumes that the "repairs" are to be performed in an American shipyard, but how can "salvage" be performed in an American shipyard? In fact, all the "salvage" in this instance was performed in a foreign country, as the salvage charge was figured at $51,000 and had been incurred when the vessel was sold in Halifax.

If it was proposed now to confine the expenditures to "repairs," what more apt language could be used than now appears in the statute?

The case of the *Pyrenees*, now pending before the committee, is a very apt illustration of an absurd result that would follow if "salvage" was to be construed as "repairs" under the provisions of this general law.

The *Pyrenees* was wrecked more than 2,000 miles from San Francisco. Without having seen her, her present owner purchased her for $1,250, and then proceeded to save her and get her to San Francisco.

When she reached San Francisco, without having had anything put upon her in repairs, the cost of saving her and getting her to San Francisco exceeded the sum of $20,000.

If salvage is to be reckoned as repairs, independent of the question of her having been wrecked outside of the waters of the United States, this vessel would have been entitled to an American register under the general law without ever having had a dollar of actual repairs expended upon her.

In fact, none has been expended upon her, and so far as that provision of the statute is concerned, she is now entitled, if this theory is sound, to an American register, waiving, for the purposes of illustration, the fact that she was wrecked outside of American waters, because the amount expended for "salvage" construed as "repairs" has been nearly twenty times the amount of her original cost to her owner. This illustration could be very easily duplicated in a great many instances if "salvage" is to be construed as "repairs."

We submit, therefore, that the rule adopted by the Department is unsupported by a proper construction of the statute and that this vessel does not come and will not come within either of the provisions of the statute.

There was nothing out of the ordinary in her wrecking and there was nothing "unforeseen" by anybody connected with the transaction in any of the circumstances. In fact, everything was seen, known, understood, and anticipated. If the committee is to stand by the rule which it has already adopted, which I believe to be right, and treat all applicants alike, then this vessel, in our judgment, is clearly not entitled to the register asked for, and the bill should be refused a passage.

C. E. LITTLEFIELD.

Mr. FORDNEY. I now yield to my colleague [Mr. WM. ALDEN SMITH].

Mr. WM. ALDEN SMITH. Mr. Speaker, the gentleman from Maine [Mr. LITTLEFIELD] and his distinguished predecessor, the late Mr. Dingley, disagree entirely upon the doctrine of protection. Under the leadership of Mr. Dingley 30,000 tons of foreign shipping was permitted to come in under our flag. What was the object of the registry law? It was to encourage American shipping and preserve the shipbuilding market for American workmen; and the gentleman from Maine knows very well——

Mr. LITTLEFIELD. Mr. Speaker——

The SPEAKER. Does the gentleman from Michigan yield?

Mr. WM. ALDEN SMITH. I can not yield.

Mr. LITTLEFIELD. Although I yielded to you, you will not yield to me.

Mr. WM. ALDEN SMITH. I can not yield. You had twenty minutes; I have two. The gentleman knows that the doctrine of protection described by Mr. DALZELL is not at stake at all. These registry laws were originally passed in the administration of George Washington; they have been constantly guarded ever since. During the war of the rebellion when some ships sought to go out from under the American flag because they lacked faith in our Government and feared we could not protect them we properly refused them admittance when they sought to come back. Sir, there has never been a time when Congress could equitably refuse an American register to a ship bearing the marks of the American hammer upon its keel. Every gentleman on this side of the chamber familiar with the facts knows that the owner of this ship showed genuine American enterprise and courage when he went upon the rocks of Nova Scotia and blasted this ship off with American labor and towed her into an American shipyard to be rebuilt.

Mr. LITTLEFIELD. He did not do it.

Mr. WM. ALDEN SMITH. And has already spent $71,000 upon her and will expend more. I say it is the height of unwisdom—it is political bigotry personified—to say that this American citizen, the owner of 60 ships, all of which fly our flag, shall now be driven under a foreign register and compelled to fly the English flag in order to operate this ship in American waters. [Applause.] Why, the gentleman from Pennsylvania [Mr. DALZELL] says that he must protect the shipping interests in his State. Well, there are shipowners in his State that are flying foreign flags over their ships to-day. [Applause.] Let this Congress, at least in cases of real merit, invite American citizens, whose ships are manned by American sailors, to sail the seas under the ensign of the United States. [Applause.]

[Here the hammer fell.]

The SPEAKER. The gentleman from Michigan [Mr. FORDNEY] has two minutes remaining.

Mr. FORDNEY. Mr. Speaker, as against the sum of $224,000 expended in wrecks within a certain given time, in American and adjacent waters, American labor in American shipyards has received over $3,000,000. I was present at a meeting of the subcommittee the other day, and the shipbuilding interests who opposed this measure were ashamed to be personally present, but sent two lawyers there, and the money in dollars and cents invested by the concerns thus represented by those two gentlemen, compared with the shipping interests of this country and the shipbuilding interests of the country, does not amount to a flyspeck on the map of the world. [Laughter.] One of the gentlemen who was present stated that his company had protested against bidding on the ship, and that statement was met by the statement of the owner of this vessel that the gentleman's company, the Newport News Shipbuilding Company, had put in a bid on this very vessel, which bid had been rejected, and because that company did not receive something out of the pie, as you might term it, it comes in here and protests through its attorney. When the question was put to this man he said, "Oh, pardon me, but I did not know that that was so." Mr. Speaker, that is all I care to say. [Applause.]

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. DALZELL) there were—ayes 143, noes 24.

So (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

COOSA RIVER.

Mr. THOMPSON. Mr. Speaker, I move to suspend the rules and pass, with the committee amendments, the bill (S. 6231) authorizing Robert A. Chapman, of Alabama, his associates and assigns, to use the waters in the Coosa River, in Alabama, for the purpose of generating electricity, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That Robert A. Chapman and his associates are authorized to erect, construct, and maintain a dam across the Coosa River, in Alabama, at lock No. 25, 26, 27, or 28, as now indicated by the Government survey of said river, with all other works incident thereto, for water-power purposes for generating electricity: *Provided*, That plans, specifications, and exact location of said dam shall first be submitted to and approved by the Secretary of War: *And provided further*, That the said Robert A. Chapman and his associates shall, at their own expense, make such changes and modifications of said dam and appurtenant works as the Secretary of War may from time to time direct in the interest of the navigation of said river: *And provided also*, That ladders suitable for the passage of fish over such dam shall be constructed and maintained by the said Robert A. Chapman and his associates as may be from time to time required by the United States Fish Commissioner: *And provided further*, That this act shall not be construed as authorizing any invasion or impairment of the legal rights of any person or corporation, and any litigation that may arise from the construction and maintenance of said dam or its appurtenant works may be tried in the proper courts of the State of Alabama and the courts of the United States.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

SEC. 3. That this act shall be null and void unless the dam herein authorized shall be commenced within two years from the date hereof.

The committee amendment was read, as follows:

In line 19, page 2, strike out the words "two years" and insert in lieu thereof the words "one year and completed within three years;" and in line 20, page 2, after the word "date," insert the words "of approval."

Mr. BURTON. Mr. Speaker, on this bill I demand a second.

Mr. THOMPSON of Alabama. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Alabama asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Alabama [Mr. THOMPSON] and the gentleman from Ohio [Mr. BURTON] to control the time for and against the bill.

Mr. THOMPSON. Mr. Speaker, this bill is to authorize Robert Chapman and associates to use the waters of the Coosa River in Alabama for the purpose of generating electricity. The bill has been drawn under the supervision of the Secretary of War, and has the approval of Mr. Gillespie, Chief of Engineers of the United States, and provides that it shall not in any way interfere with navigation. It is subject to repeal, as other bills of a similar character which have been passed, and I can see no objection to the passage of this bill. I hope that it may be passed, as many bills of a similar character have been passed. Mr. Speaker, I reserve the balance of my time.

Mr. BURTON. Mr. Speaker, I have no personal interest whatever in this bill, but I do not think the House ought to pass it without understanding just what it is. It is a proposition to grant to an individual and his associates the right to construct a dam in the Coosa River in the State of Alabama. Let us briefly review the history of that river. We have been improving it at an expense of about $1,500,000 in order to render it navigable. The proposed improvement contemplates, when it is completed, the construction of 31 dams, at an expense of not less than $6,000,000. It will be remembered by the House that at the last session the Committee on Rivers and Harbors opposed the extensive improvement of this river, not thinking it worth while; so I think I may say for the committee, and certainly for myself, that we have no objection to the use of the river for the purposes of creating water power, and the entire or partial abandonment of navigation.

It is said that it affords for water power as great possibilities as any river in the United States, but, Mr. Speaker, I am just enough of a States' rights man to believe it entirely improper for this Congress to pick out different rivers in the United States and say that A B may construct a dam there and C D there and E F another there. I submit that if we do anything upon this bill we ought to declare that the river is not navigable, and then let the State of Alabama determine who shall enjoy this water power. When we have done that we have done all that the Congress of the United States ought to do. If it is navigable we ought not to give the right to anyone to construct a dam. If it is not navigable the common law and the statutes of Alabama are sufficient to determine who shall enjoy the privilege. There is no reservation of the right of navigation here except the promise to be obtained from the parties that they shall make such changes as are required in the future. But the bill specifies that a dam shall be built there. That means an abandonment for purposes of navigation.

Mr. HAMILTON. If the gentleman will pardon me, have we not, by a clause in the river and harbor act of 1898, compelled A, B, C, and D to come here and ask permission to construct dams in streams which are navigable in more than one State?

Mr. BURTON. In rare instances that has been done. The first bill of that nature which I find was passed in the year 1884, and perhaps eight or ten have been passed.

Mr. HAMILTON. No; but was there not an amendment in the river and harbor act of 1898 saying that where a stream is navigable in more than one State it may not be obstructed by dams or bridges without the consent of Congress? Is not that the provision, in effect? Hence it becomes necessary for this gentleman and others to come here and ask the consent of Congress for the construction of specific dams. Is that not so?

Mr. BURTON. Oh, the general rule is, of course, that if Congress exercises supervision, then and in that case the action of Congress must be had to take away the navigable quality of the stream.

Mr. HAMILTON. But we can not evade it.

Mr. BURTON. But what we should do is to declare that the river is not navigable. Does this man own the land adjacent? I would like to ask that question. Can the gentleman state whether this Robert Chapman owns the land adjacent to these locks here?

Mr. THOMPSON. I can not answer that question.

Mr. BURTON. What right does he have to locate there?

Mr. THOMPSON. I do not know whether he owns the land adjacent to the property or not, but the bill provides that this act shall not be construed as authorizing any invasion or impairment of the legal rights of any person or corporation, and that any litigation that may arise from the maintenance or construction of said dams may be tried in the proper courts of the State of Alabama and in the courts of the United States.

The bill provides that the parties owning the abutting property, where they propose to build, shall have their litigation adjudicated in the courts of Alabama.

Mr. BURTON. Ah, but the gentleman must recognize that we give a special advantage to this man and his associates by passing this bill. We give them an advantage over all others.

Mr. MADDOX. Mr. Speaker, will the gentleman yield to me?

Mr. BURTON. Certainly.

Mr. MADDOX. Is it contemplated in this bill that these men shall build dams wherever they see proper to build them?

Mr. BURTON. At three or four places, at the locations heretofore selected by the Government engineers for locks.

Mr. MADDOX. Is it not a fact that the Government has now provided for a survey?

Mr. BURTON. The Government has provided for a survey and located locks 25, 26, 27, and 28. I believe those are the numbers. Those are the specified locations for locks to be built to promote navigation. Now, it is specified in this bill——

Mr. MADDOX. There is a further specification for a new survey of that river in the last river and harbor act.

Mr. BURTON. I believe so; yes.

Mr. MADDOX. It seems to me if what is asked for in this bill is allowed, why, it will be very much in the way of the Government.

Mr. BURTON. It would certainly tend toward the abandonment of the river for that purpose.

Mr. MADDOX. It seems so to me, and for that reason I shall oppose it.

Mr. THOMPSON. Does not this bill provide that these dams shall be built at the very places designated by the Corps of Engineers of the Government where these proposed Government locks are to be built in case the Government undertakes to improve the river?

Mr. BURTON. It does; and let me add——

Mr. THOMPSON. I want the gentleman from Georgia to understand that this dam is to be built under the supervision of the Board of Engineers employed by the Government.

Mr. BURTON. Let me explain that more fully. We have had a number of these bills, and in every case where it is intended that navigation shall be promoted we have also provided that a lock shall be constructed. This does not contemplate the construction of any lock. It contemplates the construction of a dam, which would be an absolute barrier to the navigation of the river. It can be nothing else. You can not get through on a stream where there is a fall of 12 feet with a dam only. You must have a lock, which provides a chamber where the boat may rise and fall.

I will ask the gentleman from Alabama [Mr. THOMPSON] if it is not true that there is a statutory provision for the construction of dams for purposes of water power in that State?

Mr. THOMPSON. Not where the water power is navigable.

Mr. BURTON. There is none where it is navigable?

Mr. THOMPSON. No, sir; and this is considered a navigable stream.

I would like to ask the gentleman from Ohio [Mr. BURTON] if section 2 of this bill does not provide that when the Government shall undertake to improve this river for purposes of navigation this bill shall be repealed or amended, as the Chief of Engineers may direct?

Mr. BURTON. Section 2 has the usual provision giving the right to alter, amend, or repeal; but I do not believe the gentleman thinks that after a dam is authorized there, after a plan for improvement has been under consideration for thirty years, and that work is partially, completed we will alter, amend, or repeal. Does the gentleman from Alabama think that such legislation would be quite fair to a man who should construct a dam there for purposes of water power?

Mr. THOMPSON. I want to say that if the Government will not remove it I would not advocate this bill. The parties asking this special privilege understand that the Government has the right to make this improvement for navigation purposes and that they were so to construct their dam as to conform with the requirements of the Government if it wants a lock.

Mr. BURTON. Then I would ask the gentleman from Alabama why was not the bill drawn in the ordinary form for the construction of both a lock and a dam instead of a dam alone?

Mr. THOMPSON. I am not the author of the bill. It was drawn by Senator PETTUS, of Alabama, and has the unanimous report from the Senate committee as well as the unanimous report of the Committee on Interstate and Foreign Commerce.

Mr. BURTON. Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. I would like to ask the gentleman from Ohio for information. How far up is Coosa River navigable?

Mr. BURTON. This portion of it is not navigable at all, because the fall is very precipitous. It is navigable above for a considerable distance and below for a short space. I want the gentleman from Michigan to understand that I have no objection to any project that means the abandonment of the navigation of that river. I fear the contemplated improvement for navigation will be too expensive, but I think the House ought to understand what we are doing in this case.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendment.

Mr. THOMPSON. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I have listened to what the gentleman from Ohio has said in reference to this bill, and notwithstanding what he has said, I think the House ought to pass this bill. Now, if there was any doubt about the position the River and Harbor Committee or the position that the House of Representatives takes or intends to take in reference to the navigation of this river, then I would not be in favor of permanently building a dam across it. But the gentleman from Ohio reported last year that he did not think it wise for the Government to attempt to improve this river. Now that means, for the present at least, the Government of the United States intends to spend no money whatever toward making this river navigable. It is not navigable. As a matter of fact, it is merely navigable on paper, and classed as a navigable river by the Government.

Now, the committee over which the gentleman from Ohio so ably presides has distinctly said to this House that they would not vote a further appropriation to improve that river at this time. So this question comes here. The people of Alabama want to get the use and benefit of this stream. They can not get the use and benefit of it as a navigable river, because the Congress of the United States has said in this House that it is not going to improve it. They come and ask, as has been asked in a number of bills, that they may put a dam across that river and use the water for the purpose of generating electricity. The bill provides that whenever Congress says that the Government needs the water on the river for navigation this dam shall come down. It provides that this work shall be done under the supervision of the Chief of Engineers of the Army. If you vote down this bill, what do you do? Do you increase navigation? You do not improve the navigation. If you were, I would not be in favor of the bill. But you will let this water run over these bluffs and waterfalls, where the people can never get the benefit of it. You say that it shall be useless, absolutely useless to the people of Alabama.

Mr. BURTON. Will the gentleman permit me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. BURTON. Is it not true that by the common law as well as by the statutes of Alabama, if there is a stream that affords water power the abutting owners can utilize that water power? Do you not have a provision in your probate court for having the damages assessed?

Mr. UNDERWOOD. I think so. This river is navigable on paper. It is classed as a navigable stream, but as a matter of fact it is not. Of course the gentleman from Ohio knows if it were not classed as a navigable river there would be nothing in the way of the people at all. This portion of the river is not navigable, and it is not proposed to make it navigable.

Now, under these circumstances, is Congress going to deprive the people of Alabama of the right to use the waters of this river for useful purposes. If it was a new venture, or something never done before, there might be something in the gentleman's argument. But only a week ago you passed a bill in this House, and it is the law to-day, in reference to the construction of dams on the Tennessee River—a navigable river. You have passed since I have been a member of this House at least 25 or 30 bills of this kind, to my knowledge, on rivers known as navigable, for the purpose of allowing the citizens of the State to use the water power. And why in this case, after passing all of these bills, in a river where the gentleman's own committee says that we have closed it as a navigable river and will not appropriate money to allow of its improvement and make it actually navigable, why, under circumstances of that kind, will you refuse to allow the people of the State to have the benefit of the use they can make of the water?

So far as the riparian owners are concerned, the bill provides that this can only be done by the courts of Alabama. If there is any damage, this bill provides that the riparian owners shall be paid. The Government rights are protected, the rights of the individual citizen of the State are protected, and at any time, under the terms of this law, the dam can be pulled down. Now, why not grant this right?

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. BURTON. Mr. Speaker, I think the gentleman from Alabama misunderstood me. I by no means desire to restrict the citizens of that State from the opportunity to use this water power, but I say there is a proper way to go about it, by declaring that this stream is nonnavigable at that point, and thus let those who are the abutting owners and are granted the right by Alabama to improve it. We ought not to allow any citizen to go down there with the prestige that would come from a bill of this character, so that he could say that the National Legislature has granted to him the right to use that river there and to nobody else.

Mr. UNDERWOOD. If this was the only bill, there might be something in what the gentleman says. But we have passed a number of bills of this character granting special privileges.

Mr. BURTON. The gentleman must notice that there is a clear distinction between this and these other cases. Those cases were where the work was constructed by the Government and a headway made by a dam and the right to draw off the water was given. This is a radically different proposition. This proposes the building of a dam, absolutely stopping the flow of the water, with reservations which are put in rather as a matter of form than otherwise, with a view to the future demands of navigation. One case is where the Government owns the land and allows the privilege to a citizen or corporation to draw off or divert water. Those are the frequent cases to which the gentleman from Alabama refers.

This is an absolute privilege to an individual to construct a dam. It is practically saying that Robert Chapman and his associates are the only men who, in four localities, the best localities on the river, can construct dams. I really think the gentleman will find himself, as I have found, that protests will come in against giving this exclusive privilege, this monopoly, to one person to build a dam. It seems to me that the privilege should be thrown open to the public.

Mr. MOON. If the gentleman will allow me, I want to suggest that I have a letter from Mr. Davis, who alleges that he is the owner of 40 acres of land adjoining this proposed dam, and he protests against the passage of this bill.

Mr. BURTON. I have received myself four or five protests, sent to me under the impression that this matter was coming before the Committee on Rivers and Harbors. I now yield to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, the fact is that there are about 250 miles of the river which is navigable above this proposed obstruction; above this place where they want a charter to build dams. Probably for 250 miles below it is navigable to the Gulf. We are trying to get the obstructions out of the river so as to get navigation to the bay. The last river and harbor bill provides for a survey, a new survey, for that purpose—in other words, to see if it is possible for us to remove these obstructions and get them out of the way so that we can open up the river for navigation.

This survey is either going on now or will be at an early day. Here is a bill which proposes to give to some private individual or corporation the authority to build a dam somewhere. It is said or claimed that they could put the dam where the engineers say it should be put. I say they can not put it there, because it has not been surveyed. I am opposed to giving any corporation this right. Now, I want to say to my friend from Alabama that whenever you give these people such a right you will have them here fighting, doing all they can to prevent the opening of this river, which will be of so much benefit to all in that country. I know there is a sentiment here that is very eager and anxious to prevent this river from being opened. I know where it is and where it comes from, and so does the gentleman from Alabama. I do not want this river further obstructed. I do not want to grant this privilege to any individual or corporation.

Mr. THOMPSON. Will the gentleman allow me an interruption?

Mr. MADDOX. Yes.

Mr. THOMPSON. The gentleman says the survey has not been made. Is he not aware of the fact that three or four Government surveys of this river have been made, and that all locks and dams have been designated by these surveys?

Mr. MADDOX. Yes; and is not the gentleman aware that the last Congress ignored the whole business and ordered a new survey?

Mr. THOMPSON. I am.

Mr. MADDOX. Well, that survey will have to be made.

Mr. THOMPSON. This bill provides that locks and dams shall be put where the Government survey provides.

Mr. MADDOX. It does not provide for any lock.

Mr. THOMPSON. It provides for the dams where locks and dams are designated.

Mr. MADDOX. The gentleman is just as much interested in this matter as I am. He can not do anything more effective against opening this river than by pushing this bill to its passage. If that object should be carried out you will find a combination

here in Congress that will try to prevent the opening of that river, which is such a great necessity to our people.

Besides, I am opposed to giving these privileges to one single corporation upon a river that is now opened and being navigated 250 miles at one end and 300 miles at the other. We want these obstructions cleared away; we do not want to have navigation obstructed by these people; and if a dam be put there it will beyond doubt be put at the wrong place when the engineers come to decide upon the question, and we shall have to pay money to remove it. For these reasons I think the bill ought not to pass; I hope it will not.

Mr. THOMPSON. I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, the truth is that the Coosa River above this stretch is navigable by small boats. Down below it is also navigable for a considerable distance. It would not do to come in with a bill or agreement declaring the Coosa River nonnavigable, because that would do away with the hope of Federal betterment of the stream below and above. But the Coosa River where it passes through the mountains of north Alabama, in the neighborhood of Gadsden, is about the farthest possible from being navigable. In that region you have beautiful waterfalls and wild mountain torrents.

I do not see why the people there can not use that stretch of river for manufacturing purposes, especially when this bill reserves the right of the Government to improve this stream regardless of any right or privilege granted in the bill, and when there is also granted to the riparian owners their right of obstruction and defense if they imagine that their properties are interfered with. It seems to me that the power to use for manufacturing purposes this stretch of river in the mountains of north Alabama ought to be granted by Congress. It is evident it can not be granted by anybody else, because the river is recognized as a navigable stream subject to the exclusive jurisdiction of the Federal Government.

Mr. THOMPSON. Mr. Speaker, the gentleman from Mississippi [Mr. WILLIAMS] has correctly stated this proposition. The Coosa River is navigable 142 miles above where it is proposed to build this dam, 78 miles of which is obstructed by shoals and rocks which, the distinguished chairman of the Committee on Rivers and Harbors [Mr. BURTON] stated, would cost $20,000,000 to remove and to build locks and dams necessary to make this portion of the river navigable. In the discussion on the proposed appropriation for the Coosa River, the gentleman from Ohio [Mr. BURTON] said:

> I regard this project as the most objectionable of all those in the whole list of river and harbor improvements for which there have been recommendations made. It proposes, in a stretch of about 142 miles, to build 31 locks and dams. On that there has already been expended about $1,300,000. The balance required to complete it would be something over $6,000,000 according to the estimates made in 1890 and before. Captain Judson, an able young engineer, was in charge of this improvement, and he states frankly that when he first was assigned to duty there he thought favorably of it, but on further examination he was compelled to change his mind, first, because 4-foot navigation would not do any practical good.

Mr. MADDOX. Would the gentleman agree now with the gentleman from Ohio to abandon that river?

Mr. THOMPSON. No, sir; but I agree to abandon this dam—to condemn it—to repeal the law authorizing it whenever the Government declares itself ready to improve this navigation.

Mr. MADDOX. Which dam is the gentleman ready to abandon?

Mr. THOMPSON. The dam that this bill proposes to allow to be erected.

Mr. MADDOX. Where?

Mr. THOMPSON. At or near Wetumpka, Ala.

Mr. MADDOX. The United States Government has pretty well completed the dam, has it not?

Mr. THOMPSON. No, sir; nothing has been done on it. No work has been done on any dam at our end of the river. One lock has been constructed at Wetumpka.

Mr. MADDOX. There has been some considerable work done there?

Mr. THOMPSON. One lock has been built, but no dam. No work has been done on any dam on the lower end of the river.

Now, the gentleman from Ohio [Mr. BURTON] argued that the improvement of this river was very remote, even if it were contemplated by the Government to make it navigable. The distinguished gentleman from Iowa, in a speech delivered in Alabama on a tour of that State, said that Congress had thoroughly investigated this matter, and had decided that it would be cheaper to dig us a new river than to improve the Coosa. The House will see at once what probability there is of making this river navigable. No gentleman on the floor of this House, not even the distinguished gentleman from Georgia, Judge MADDOX, is more anxious than myself to have this river improved for navigation. I think it would prove of untold benefit to our section of the country, and I labored earnestly with the committee to give us an appropriation to carry on and to keep up this work; but after careful consideration they refused to do so, stating that it had less merit in it than any proposition that was presented to the Committee on Rivers and Harbors.

Now, these gentlemen simply ask permission of this Congress that they be allowed to construct a dam, for the purpose of generating electricity, on that river 14 miles above Montgomery, which will enable them to use this electric power in the city of Montgomery and for the purpose of building and operating cotton factories and other manufacturing enterprises along the banks of the river, subject to the approval and under the direction of the Board of Engineers of the Government, with a definite understanding that whenever the Government proposes to improve this river, remove these obstructions, and make it navigable that they are required, under the provisions of this bill, to remove that dam, or so much of it as may be necessary, for the purpose of inserting locks, to carry out the plan proposed by the Committee on Rivers and Harbors whenever that committee gets ready to improve it. I hope this House will not refuse my people the right to use this water power until the Government sees fit to give us navigation upon this river. I yield the balance of my time to the gentleman from Alabama [Mr. BANKHEAD].

The SPEAKER. The gentleman has seven minutes remaining.

Mr. BANKHEAD. Mr. Speaker, in a general way I am inclined to agree with the gentleman from Ohio and the gentleman from Georgia, but this is a peculiar case. The Rivers and Harbors Committee during the last session of Congress, after very maturely considering this proposition and going over the whole question, came to the conclusion that it was unwise to enter upon the improvement of this river at this time, and perhaps at any time in the near future. To my mind, this river will some day be improved, but I am also of the opinion that the time is quite distant. In the meantime it seems to me that it would be a matter of economy to permit the construction of this dam by this corporation for the purpose of generating power of some kind, or, in other words, to harness this water power and put it to work and make it productive. The State of Alabama can not grant to any of her citizens the power to engage in this enterprise, because this is a navigable river under act of Congress, and the power to improve it or the power to interfere with it in any way can only come from Congress.

Mr. BURTON. Will the gentleman yield to a question?

Mr. BANKHEAD. Certainly.

Mr. BURTON. Why is it that this privilege of using the water power at these four dams, so valuable that a United States engineer said it was worth more than the cost of improving the river, is by this bill absolutely restricted to one individual and his associates? Why is it not thrown open to the people of Alabama?

Mr. BANKHEAD. It is well known by the gentleman from Ohio that no single individual could engage in an enterprise of this magnitude. It will cost at least a half million of dollars, and the abutting property owners along this river, as a rule, are very poor men. I would not be surprised if it developed that the Government of the United States still holds the title to the land at some of these locks and dams, because it is of that character that individuals have not cared even to homestead it.

Now, the question is this in a nutshell: If this Congress is not willing to give authority to this company that has been organized for the purpose of developing this power and permit them to utilize the water, it must run waste for an indefinite period and be of no service to anybody. In this bill authority is given the Secretary of War to supervise the construction of this dam in every particular, and the right is reserved to Congress to repeal it at any time whenever the Government, through an act of Congress, shall decide to begin the improvement of the river. Now, Mr. Speaker, I know and I concede that this power, if properly utilized, is valuable, and I also know that unless a measure of this kind is passed and a company or corporation authorized to make this improvement it will never be utilized. Therefore I hope, under existing facts and circumstances, that Congress will consent that these parties may construct this dam with the view of utilizing the power, subject always, as it is provided in this bill, to the control of the Secretary of War and to repeal by Congress whenever it so desires.

Mr. BURTON. Would the gentleman from Alabama object to an amendment here in line 3, after the words "Robert A. Chapman and his associates," to this effect, "or other person or corporation duly authorized by the State of Alabama?"

Mr. THOMPSON. I would not; but it might retard the passage of this bill to such an extent as to defeat it.

Mr. BANKHEAD. Not if it be granted by unanimous consent, I take it.

Mr. THOMPSON. I have no objection to that, except it might defeat the bill. It is a Senate bill.

Mr. BURTON. I would prefer that the gentleman himself would ask leave.

Mr. THOMPSON. If the gentleman will assist me in passing it through, I will do so.

Mr. BURTON. I think that would remove the objection.

Mr. THOMPSON. Very well; write out your amendment.

Mr. BURTON. "Or other person or corporation duly authorized by the State of Alabama."

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. THOMPSON. I will accept the amendment, Mr. Speaker.

The SPEAKER. Those opposed to the bill have three minutes remaining.

Mr. BURTON. Mr. Speaker, I yield to the gentleman from Alabama to make a statement regarding the proposed amendment by the insertion of the words I have referred to.

Mr. THOMPSON. I ask unanimous consent that the amendment suggested by the gentleman be incorporated in the bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the following amendment be incorporated in the bill. It will be reported by the Clerk.

The Clerk read as follows:

In line 3, page 1, after the word "associates," insert, "or other persons or corporations duly authorized thereto."

Mr. MADDOX. I object, Mr. Speaker.

The SPEAKER. The gentleman from Georgia objects. The question is on suspending the rules and passing the bill with the committee amendments.

The question being taken, the Speaker announced that, in his opinion, two-thirds had not voted in the affirmative.

Mr. THOMPSON. I ask for a division.

The House divided; and there were—ayes 68, noes 47.

Mr. THOMPSON. I ask for tellers.

Tellers were refused; 16 members seconding the demand.

Accordingly (two-thirds not voting in the affirmative) the motion was rejected.

GROSSE ISLE, DETROIT RIVER, MICHIGAN.

Mr. HENRY C. SMITH. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1905) for the erection of a keeper's dwelling at Grosse Isle, North Channel Range, Detroit River, Michigan.

The SPEAKER. The gentleman calls up, under suspension of the rules, the following bill, and moves its passage.

The bill was read, as follows:

Be it enacted, etc., That the sum of $3,500, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a keeper's dwelling at Grosse Isle, North Channel Range, Detroit River, Michigan.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, is this unanimously reported by any committee?

Mr. HENRY C. SMITH. Yes.

Mr. RICHARDSON of Tennessee. What committee has reported it?

Mr. HENRY C. SMITH. Interstate and Foreign Commerce. It is for a light-house keeper's dwelling.

Mr. RICHARDSON of Tennessee. I am informed there is no objection to it.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

RAILROAD BRIDGE ACROSS TENNESSEE RIVER, ALABAMA.

Mr. RICHARDSON of Alabama. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move to suspend the rules and pass the bill (H. R. 17052) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.

The SPEAKER. The gentleman from Alabama moves to suspend the rules and pass a bill which will be reported by the Clerk.

The bill was read. It provides that it shall be lawful for Milton Humes, R. E. Spragins, R. E. Pettus, T. W. Pratt, and Lawrence Cooper, their associates and assigns, to construct and maintain a bridge and approaches thereto over the Tennessee River at a point on said river between Lewis Bluff, in the county of Morgan, State of Alabama, and Guntersville, in the county of Marshall, State of Alabama, and to lay on or over said bridge a railroad track or tracks for the more perfect connection of any railroad or railroads that are or shall hereafter be constructed to the said river, on either or both sides thereof, at or opposite said point, under the limitations and conditions hereinafter provided. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the owners or builders thereof, may be used for the passage of wagons or vehicles of all kinds, for the transit of animals of all kinds, and for foot passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendments.

The question being taken, and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

LIGHT-HOUSE, ETC., WASHINGTON.

Mr. CUSHMAN. I move to suspend the rules and pass the bill (H. R. 75) to establish a light-house and fog signal at Burrows Island, Rosario Strait, State of Washington.

The bill was read, as follows:

Be it enacted, etc., That a light-house and fog signal be established and constructed at the southwest point of Burrows Island, Rosario Strait, Puget Sound, State of Washington, at a cost not to exceed $15,000.

Mr. MANN. Mr. Speaker, I happened to notice the title of that bill. It is a House bill. There was a Senate bill favorably reported from our committee for the same purpose. I would ask the gentleman why he does not move to suspend the rules and pass the Senate bill?

Mr. CUSHMAN. I will say to the gentleman, Mr. Speaker——

Mr. RICHARDSON of Tennessee. I ask that a second be ordered before the debate proceeds on this bill.

The SPEAKER. Debate has been running for some time.

Mr. RICHARDSON of Tennessee. I understood the gentleman from Illinois to rise and address a question to the Chair. I do not think I ought to be cut off from demanding a second.

The SPEAKER. The gentleman will not be cut off, if he did not know the condition of things. The gentleman from Tennessee demands a second.

Mr. CUSHMAN. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Washington is recognized for twenty minutes in favor of the bill and the gentleman from Tennessee for twenty minutes against the bill.

Mr. CUSHMAN. Mr. Speaker, the proposition contemplated by this bill, H. R. 75, is the construction of a light-house on Burrows Island, Rosario Strait, Puget Sound, in the State of Washington. The construction of a light-house at this point is one of the absolute necessities of the commerce of this region.

The Interstate and Foreign Commerce Committee, to whom this bill was referred for consideration, have made the following report on the same:

[House Report No. 419, Fifty-seventh Congress, first session.]

LIGHT-HOUSE AND FOG SIGNAL, BURROWS ISLAND, WASHINGTON.

February 5, 1902, committed to the Committee of the Whole House on the state of the Union and ordered to be printed. Mr. COOMBS, from the Committee on Interstate and Foreign Commerce, submitted the following report (to accompany H. R. 75):

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 75) to establish a light-house and fog signal at Burrows Island, Rosario Strait, State of Washington, beg leave to submit the following report and recommend that said bill do pass without amendment:

This is a bill enacting that a light-house and fog signal be established and constructed at the southwest point of Burrows Island, Rosario Strait, Puget Sound, State of Washington, at a cost not to exceed $15,000.

This bill has the approval of the Treasury Department, as will be seen by the following letter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY.
Washington, December 28, 1901.

SIR: This Department has the honor to acknowledge the receipt of a letter from your committee, dated December 26, 1901, inclosing for suggestions a copy of H. R. 75, authorizing the establishment of a light and fog-signal station at Burrows Island, Rosario Strait, Washington.

In reply the Department states that the matter was referred to the Light-House Board, which reports that the following recommendation made in its annual reports for the last four years is renewed on page 209 of its annual report for 1901:

"*Burrows Island, Rosario Strait, Washington.*—The following recommendation, made in the Board's last four annual reports, is renewed:

"'There is much traffic through Rosario Strait, which will naturally increase in the future. During certain seasons of the year fog and smoke from forests fires prevail. Burrows Island is a point of departure for most of the vessels plying the strait. The tides and currents here are strong and variable, and there are several dangerous reefs in the immediate vicinity. A light and fog signal at the southwest point of Burrows Island would be of great use to commerce and navigation. It is estimated that they could be established for not exceeding $15,000, and it is recommended that an appropriation of this amount be made therefor.'"

This Department therefore has the honor to state that it concurs with the Board in this recommendation.

Respectfully,

L. J. GAGE,
Secretary.

The CHAIRMAN COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

You will observe that this bill not only has been favorably reported by the Interstate and Foreign Commerce Committee, but the Light-House Board has been recommending for the past four years that this light-house be built.

I have here in my hand numerous petitions and memorials from commercial clubs and shipping men asking that this light-house be constructed at once. I call the attention of this House to the

following letter addressed to me on this subject from the Commercial Club of Anacortes, State of Washington, said city being near the site of the proposed light:

ANACORTES COMMERCIAL CLUB,
Anacortes, Wash., January 15, 1903.

Hon. FRANCIS W. CUSHMAN, M. C.,
Washington, D. C.

DEAR SIR: About five years ago there was circulated upon Puget Sound a petition praying Congress to make an appropriation for and have erected a light-house and fog-signal station upon the western end of Burrows Island in Rosario Straits in Puget Sound. This petition was unanimously signed by masters and shipowners, and some action was taken thereon, one House having passed the bill providing therefor.

This measure has recently been very forcibly brought to our attention by the running ashore of the passenger steamer *Utopia* and her almost miraculous escape from great injury—possibly complete destruction; also that of the tug *Wigwam*, flagship for the Alaska Packers' Association, and the exceedingly narrow escape from a serious wreck of the steamship *City of Puebla*. The diversity of tides and currents in this vicinity, caused by the numerous converging channels, makes navigation in the night or during fog extremely hazardous. This will be more patent to you by a casual examination of chart of United States Geological Survey No. 6300.

If deemed necessary a new petition for this most desirable aid for navigation could be promptly secured containing the signatures of every liscensed master, engineer, and shipowner on Puget Sound, and we would suggest that the Navy and War Departments would most willingly assist, as the frequent visits of war vessels and other United States crafts would move them to take an active interest in this matter.

Hoping this will meet with your earnest approval and secure your valuable aid for its immediate authorization, we beg to remain,

Your obedient servants,

ANACORTES COMMERCIAL CLUB,
WILL A. LOWMAN,
CHAS. C. MATHEWS,
Committee.

You will observe that letter mentions one passenger steamer going ashore, and the narrow escape from destruction of two more boats, all for the lack of a cheap light at this place.

I also insert here with my remarks a letter from C. W. Cook, of Tacoma, State of Washington, the manager of the Western Steam Navigation Company, showing the necessity for a light-house at this place:

WESTERN STEAM NAVIGATION COMPANY,
THE VANCOUVER LINE,
Tacoma, Wash., January 19, 1903.

Hon. FRANCIS W. CUSHMAN,
House of Representatives, Washington, D. C.

DEAR SIR: Sometime ago there was a petition circulated asking Congress for a light-house and fog signal on the western end of Burrows Island, in Puget Sound. Some action was taken on this petition, but it has not resulted in anything being done.

I beg to impress it on you that the tides and currents in the waters adjacent to Burrows Island are very strong, and there is a long stretch between the Port Wilson fog signal and Burrows Island, and no matter how much care is exercised a vessel is likely to come to grief in case of fog or heavy rain such as we have in this section of the country. It is impossible to avoid the dangers of this place by steering a compass course, by reason of the strength of the currents above mentioned. I understand that every representative of the shipping interests on the sound will address you with regard to this, and we beg to assure you anything you can do toward getting this light-house and fog signal established will be greatly appreciated.

Yours, faithfully,

C. W. COOK, *Manager.*

I also insert here with my remarks a letter recently received by me from Hon. Walter Oakes, treasurer of the Alaska Steamship Company and of the Puget Sound Navigation Company:

ALASKA STEAMSHIP COMPANY,
PUGET SOUND NAVIGATION COMPANY,
Seattle, Wash., January 26, 1903.

Hon. FRANCIS W. CUSHMAN,
United States House of Representatives, Washington, D. C.

DEAR SIR: Referring to attached letter to us, will say that the light-house in question should by all means be erected, as it is necessary for the safety of Puget Sound shipping.

I trust you will assist in any way possible and have it included in the list of Puget Sound light-house appropriations.

Yours, truly,

WALTER OAKES, *Treasurer.*

All of these letters and reports show the absolute necessity for the immediate construction of this light-house. The cost of the proposed light-house is $15,000.

Mr. Speaker, I reserve the remainder of my time.

Mr. MANN. Mr. Speaker, I will ask the gentleman if there is not a Senate bill upon this same matter?

Mr. CUSHMAN. There is.

Mr. MANN. That our committee has reported?

Mr. CUSHMAN. Yes.

Mr. MANN. Would it not be better to call up the Senate bill at this time instead of the House bill?

Mr. CUSHMAN. I thank the gentleman from Illinois [Mr. MANN] for his suggestion. I will endeavor very briefly to explain to the House the difference between the House bill and the Senate bill, and at the close of my explanation I will ask unanimous consent to substitute the Senate bill for the House bill, and ask consideration on the Senate bill.

The explanation in brief of this matter is as follows: One of the rules of the Interstate and Foreign Commerce Committee of this House (which is the committee to whom all light-house bills are referred for reports thereon) is that every House bill which is submitted to their committee must be in such form that it simply authorizes the construction of the light-house and fixes the limit of cost, and that the bill shall not make any appropriation for the light-house. Now, then, after a bill passes which simply authorizes the construction of a light-house and fixes the limit of cost, another committee of this House, the Appropriations Committee, makes the appropriation for the construction of the light-house by inserting a clause therefor in the sundry civil appropriation bill.

Now, then, in the United States Senate, a lawmaking body not governed by any special rules save "Senatorial courtesy," they are in a habit of passing light-house bills which not only authorize the construction, but make a definite appropriation for the project.

I introduced my bill here in the House in proper form as required by the rules of the Interstate and Foreign Commerce Committee, and according to the long practice in this House. My House bill was reported for me by that committee and placed upon the Calendar of the House.

In the meantime there had been introduced in the United States Senate a Senate bill (S. 265) providing for the erection of this same light-house and making a $15,000 appropriation therefor. That bill passed the Senate and came over to the House. In order that nothing should be neglected in this matter (for the building of this light-house is a very urgent matter) I prepared and had adopted a favorable report on the Senate bill, and had that also placed on the House Calendar.

Now, then, both of these bills are on the House Calendar. The bills are identical for all practical purposes. Each one provides for the building of a light-house on Burrows Island, Rosario Strait, in Puget Sound, State of Washington, at a cost of $15,000.

The reason that I now wish to substitute the Senate bill and have it considered is that that bill having been passed by the Senate, when we pass it in the House that will, as far as the legislative branch of the Government is concerned, enact the bill into law. But if we pass the House bill we will have one bill passed at the Senate end and another bill passed at the House end, and though both bills relate to precisely the same subject, when we get through we will not have any complete legislation. For these reasons I wish now to consider the Senate bill.

Mr. Speaker, I ask unanimous consent to substitute in place of H. R. 75 Senate bill 265, which I now send to the Clerk's desk.

The SPEAKER. The gentleman from Washington asks unanimous consent to substitute for the House bill the Senate bill, substantially the same, which the Clerk will report.

The Clerk read as follows:

A bill (S. 265) to establish a light-house and fog-signal station on Burrows Island, State of Washington.

The SPEAKER. If there is no objection the Senate bill will be substituted. The Chair hears no objection.

Mr. CANNON. Mr. Speaker, I shall not object to the substitution, as the session is so near a close. I think the rule of the House committee is a very proper one, and ought to be adhered to except in extreme cases, otherwise you can not keep track of your appropriations, which is a very desirable thing to do. But with only two weeks of the session remaining, I for one shall not object.

Mr. CUSHMAN. I reserve the balance of my time.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The SPEAKER. Without objection, the similar House bill will lie on the table.

There was no objection.

PUBLIC BUILDING AT JACKSONVILLE, FLA.

Mr. DAVIS of Florida. Mr. Speaker, by direction of the Committee on Public Buildings and Grounds, I move to suspend the rules and pass the Senate resolution which I send to the desk, with an amendment.

The Clerk read as follows:

Joint resolution (S. R. 108) authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That of the sum authorized to be expended in enlarging and improving the post-office, court-house, and custom-house at Jacksonville, Fla., the Secretary of the Treasury may, in his discretion, use not to exceed $45,000 for the purchase of additional ground: *Provided*, That such additional ground shall be contiguous to the present site and shall have a frontage on Forsyth and Adams streets of not less than 50 feet and a depth of not less than 208 feet.

Mr. BARTHOLDT. Mr. Speaker, I should like to inquire of the gentleman whether this bill comes from the Committee on Public Buildings and Grounds of this House?

Mr. DAVIS of Florida. Yes, sir; with a unanimous report.

The SPEAKER. The question is on suspending the rules and passing the joint resolution.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PATENT TO BUFFALO, WYO., FOR CERTAIN TRACTS OF LAND.

Mr. MONDELL. Mr. Speaker, I am authorized by the Committee on the Public Lands to move to suspend the rules and pass the bill H. R. 17192.

The Clerk read as follows:

A bill (H. R. 17192) authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to the city of Buffalo, Wyo., for lots 7 and 8, section 3, township 50 north, range 82 west, of the sixth principal meridian, embraced within the abandoned Fort McKinney Military Reservation, upon the payment by the authorities of said town of the appraised price of said lots.

Mr. BARTLETT. Mr. Speaker, I demand a second on that bill.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Wyoming is recognized for and the gentleman from Georgia against the bill.

Mr. MONDELL. Mr. Speaker, this bill proposes to sell 53 acres of land lying adjacent to the city of Buffalo, Wyo., at the price for which the land was appraised by the Secretary of the Interior. The land has to be sold, because subsequent to the appraisal the Interior Department held up the survey of a portion of the land included in the reservation, and temporarily the sale of the land is suspended. The town wishes these lands for cemetery purposes, and a considerable portion of the 53 acres is now occupied for cemetery purposes.

I reserve the balance of my time.

Mr. BARTLETT. Do I understand the gentleman to say that this bill has been unanimously reported by the Committee on Public Lands?

Mr. MONDELL. It is unanimously reported by the Committee on Public Lands, and recommended by the Secretary of the Interior.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

LIGHT-HOUSE, BOSTON HARBOR.

Mr. CONRY. Mr. Speaker, I move the suspension of the rules and the passage of the bill (H. R. 16727) for the erection of a light-house in Boston Harbor, with an amendment.

The Clerk read as follows:

Be it enacted, etc., That Broad Sound Channel light station, Boston Harbor, Massachusetts: For constructing a first-order light and fog signal at The Graves on a granite tower, to mark the entrance to the new Broad Sound Channel in Boston Harbor, $75,000; and the Secretary of the Treasury is hereby authorized to enter into a contract for the construction of said light station at a total cost not exceeding $183,000.

The following committee amendment was read:

Strike out all after the enacting clause and insert:

"That the Light-House Board be authorized to change the location of Broad Sound Channel light at the entrance to Broad Sound Channel in Boston Harbor to such point or location in that vicinity as in their judgment shall be practicable and safe."

The SPEAKER. The question is on the suspension of the rules and the passage of the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CONFIRMING CERTAIN FOREST LIEU SELECTIONS.

Mr. EDDY. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 15985, to confirm certain forest lieu selections made under the act approved June 4, 1897.

The Clerk read the bill, as follows:

Be it enacted, etc., That all bona fide selections under the act approved June 4, 1897 (30 Stats., 36), of lands in Montana which lie within the territory opened to entry under the provisions of the act approved May 1, 1888, chapter 213 (25 Stats., 113-133), entitled "An act to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, and for other purposes," made prior to the decision of the Commissioner of the General Land Office dated October 20, 1902, in the case of George L. Ramsey, holding that such lands are subject to disposal only under the forms of entry provided by the said act of May 1, 1888, be, and the same are hereby, confirmed, no other valid objection to the acceptance of such selections appearing.

The following committee amendment was read:

Amend the title so as to read: "A bill to confirm certain forest lieu selections made under the act approved June 4, 1897."

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

OPENING FOR SETTLEMENT CERTAIN LANDS IN OKLAHOMA.

Mr. STEPHENS of Texas. Mr. Speaker, by direction of the Committee on Indian Affairs, I move to suspend the rules and pass the bill (H. R. 16280), to open for settlement 505,000 acres of land in the Kiowa, Comanche, and the Apache Indian reservations, in Oklahoma Territory, with committee amendments.

The Clerk read the bill, as follows:

Whereas on the 6th day of October, A. D. 1892, the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory made a treaty with the United States, which treaty was duly ratified by Congress on June 6, 1900; and

Whereas it was stipulated in said treaty that each Indian in said tribes should have allotted to them 160 acres of land, and that the remainder of their reservation should be thrown open to settlement on the payment by the United States to them of $1.25 per acre; and

Whereas the Secretary of the Interior set apart 25,000 acres of land out of said reservation for a wood reservation; and

Whereas said act of Congress of June 6, 1900, set apart 480,000 acres of grazing land out of said reservation for grazing purposes, said grazing lands to be selected and set apart for them by the Secretary of the Interior; and

Whereas Congress has the right and it is its duty to sell the farming lands in said reservation not allotted to Indians to persons desiring homesteads on farming lands: Now, therefore,

Be it enacted, etc., That all of that part of article 3 of section 6 of the act of Congress of date June 6, 1900, entitled "An act to ratify and confirm an agreement with the Indians of the Fort Hall Indian Reservation, in Idaho," and making appropriations to carry the same into effect, which reads as follows, to wit: "That in addition to the allotment of land to said Indians as provided for in this agreement the Secretary of the Interior shall set aside for the use in common for said Indian tribes 480,000 acres of grazing lands, to be selected by the Secretary of the Interior, either in one or more tracts, as will best subserve the interests of said Indians," be, and the same is hereby, repealed.

SEC. 2. That the 480,000 acres of lands set apart in the Kiowa, Comanche, and Apache Indian reservations in Oklahoma Territory by the Secretary of the Interior, referred to and mentioned in section 1 of this act, and the 25,000 acres of lands set apart as a wood reservation in the Kiowa, Comanche, and Apache Indian reservations in Oklahoma Territory by Secretary of the Interior, referred to and mentioned in the preamble of this act, shall be opened to settlement by proclamation of the President of the United States within three months from the passage of this act and be disposed of at public auction to the highest bidder for cash: *Provided*, That no one person shall be permitted to purchase more than 160 acres, under the rules and regulations adopted by the Secretary of the Interior: *And provided further*, That the money arising from the sale of said lands shall be paid to said Indians in the same manner as was provided in the said act of June 6, 1900.

The following amendments, recommended by the Committee on Indian Affairs, were read:

Strike out the preamble. In lines 4 and 5 strike out the words "referred to and mentioned in the preamble of this act." In line 15, after the word "hundred," insert the following:

"*And it is also provided*, That such sales shall be subject to any leases made for agricultural purposes prior to the passage of this act, the rentals accruing after such sale to belong to the purchasers under this act."

Mr. BURKE of South Dakota. Mr. Speaker, I demand a second.

Mr. STEPHENS of Texas. I ask that a second be considered as ordered.

The SPEAKER. The gentleman from Texas asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, this bill throws open for settlement 500,005 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma. In 1892 an agreement was entered into between these tribes of Indians and the United States by which the Indians were to have allotted to each member of these tribes 160 acres of land. The rest of their reservation was to be thrown open for settlement. That treaty was ratified June 6, 1900, by an act of Congress. Four hundred and eighty thousand acres was reserved by an amendment put on the bill in the Senate for the use of the Indians for the purpose of grazing their stock, and 25,000 for a timber reserve, making 500,005 in all. The Secretary of the Interior had the right to locate this pasture land. Four hundred thousand acres of it was located fronting Red River, and nearly all of it was good agricultural land, and the people of the surrounding country desire this land to be open for the purpose of settlement. It is worth a great deal more for agricultural than for pasturage purposes.

The bill opening all these reservations has passed the House two or three times in different forms, and the Senate's amendment, reserving the pasture lands, is the reason why this bill should be now passed—so that these lands may go into the hands of actual settlers.

The first bill introduced by me provided for the opening of the land for settlement under the United States land laws. That, in my opinion, was the correct way in which it should have been opened, but during the last session of this Congress the gentleman from Illinois [Mr. CANNON] objected to the passage of the bill and it failed of engrossment. The gentleman from Alabama [Mr. UNDERWOOD] voted with the majority and entered a motion to reconsider.

I introduced this bill to avoid the objections of the gentleman who opposed that bill. This bill provides for a sale of the land at auction in 160-acre tracts. It also provides that no one man shall purchase more than 160 acres. The proceeds of the land are to be paid by the Secretary of the Interior directly to the Indians.

It was believed by the gentleman from Illinois and others who opposed my first bill, which was a homestead measure, that the Indians were entitled to all that the land would bring upon the open market. They, therefore, desired a public sale of the land.

I will state further that these Indians are wards of the Government, and that we are making annual appropriations for their support, and if this land is sold and the proceeds turned into the Treasury it will take them out of the care of the Government, and we will not have to support them any longer. There are between 2,500 and 3,000 of the Indians, and stopping these annual payments will be quite a saving to the Government, as no appropriations will have to be made for them in the future. Therefore I hope the bill will pass in its present form. Mr. Speaker, I reserve the balane of my time.

Mr. BURKE of South Dakota. Mr. Speaker, if I can have the attention of the House for about five minutes I think I can point out several reasons why this bill should not pass. In the first place, Mr. Speaker, it does not provide for the opening to settlement of 505,000 acres of land, but provides for the selling to the highest bidder of 505,000 acres of the public domain. The Committee on Indian Affairs have reported that the land belongs to the Indians. I maintain, Mr. Speaker, the lands do not belong to the Indians; that if they do belong to the Indians, they should not be taken from them or disposed of without some treaty first having been made with these Indians. Then, if the lands do belong to the Indians and are to be ceded to the Government, they should be disposed of under the public-land laws of the United States and not sold at public auction to the highest bidder, or in any other manner.

Mr. Speaker, in 1892 a treaty was made with the Kiowa, Comanche, and Apache Indians by which it was provided that they cede, convey, transfer, relinquish forever and absolutely, without any reservation whatever, expressed or implied, all their claim, title, and interest of any kind and character in and to the lands that it is now proposed, as the gentleman says, to open to settlement. I read from the treaty. It provided, Mr. Speaker, that each and every Indian should first be permitted to take an allotment of 160 acres, 80 acres to be agricultural land and 80 acres grazing land. Now, that was a liberal provision, for the reason that in allowing the Indians to take allotments it is unusual to give children as much as you give to the heads of families. For instance, the head of a family may have 160 acres, a single man 80 acres, and a child 40 acres. But this treaty provided that each Indian should have 160 acres, 80 acres of which should be grazing land.

When that treaty was ratified by Congress, Congress of its own motion amended the treaty without any agreement with the Indians, without any application or petition from them to amend it, and simply provided that out of their lands 480,000 acres should be reserved—for what purpose? Simply for the use of the Indians for pasturage purposes—that they might use it to range their stock upon it. And the treaty was further amended so as to permit the Indians to take their allotments of 160 acres each, without regard to the character of the land and without being required to take at least 80 acres for grazing purposes. The treaty provided, further, that we should pay to these Indians the sum of $2,000,000, $500,000 in cash and $1,500,000 to be paid into the Treasury to their credit, upon which 5 per cent was to be paid annually to the Indians.

In other words, Mr. Speaker, we paid the Indians for 480,000 acres $500,000 in cash, and $1,500,000 paid into the Treasury. And now they propose to take those 480,000 acres and sell it at public auction to the highest bidder and pay the proceeds to the Indians, without even providing that the Government shall be reimbursed for the $1.25 per acre that we have already paid these Indians. Now, Mr. Speaker, 25,000 acres of the lands mentioned in this bill were set aside by the Secretary of the Interior without any authority of Congress; without any provision in the treaty or the bill setting it aside—were set aside for a wood reservation in order that the Indians might have some place where they could go to get fuel. But, Mr. Speaker, that was also a portion of the lands for which we had paid the Indians $1.25 an acre.

Now, we propose to sell those 25,000 acres, in addition to the 480,000, for the most we can get for them, without even a requirement of citizenship on the part of the purchaser, saying nothing about the homestead requirements. The only reservation that there is in the bill is that no one purchaser shall be allowed to purchase more than 160 acres. Why, Mr. Speaker, how easy it would be for one man to purchase 100 times 160 acres if he so desired. He would simply get his stool pigeons to each buy 160 acres and immediately convey it to him.

In addition to paying these Indians $500,000 in cash and putting into the Treasury $1,500,000, Congress, in 1900, the same year in which we ratified the treaty and paid these Indians $500,000 in cash, gave them a gratuity of $75,000; and every Congress since that, including the present Congress, has provided in the Indian appropriation bill not less than $35,000 (except one year, when it was $25,000), and sometimes going as high as $75,000, for these Indians to whom we paid $2,000,000. And now it is proposed to sell 505,000 acres, for which we have already paid them, and give them the proceeds.

I think, Mr. Speaker, we have come to a point where these Indians have been treated in such a way that we ought not at least to give them the proceeds of the 505,000 acres sold at public auction to the highest bidder, and for which we have already paid them, without any requirement of settlement or cultivation and without even the requirement of citizenship.

Mr. Speaker, I reserve the balance of my time.

Mr. STEPHENS of Texas. I now yield to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, the argument made by the gentleman from South Dakota [Mr. BURKE] might have had some force in connection with the original opening of the Kiowa and Comanche lands. That question was fought out then. We bought that land then for about one dollar an acre. The Senate thought we were not giving the Indians a square deal. In order to make the arrangement a fair one for the Indians, these 480,000 acres were reserved. That land has been conceded now to the Indians by act of Congress. Who says we should take that back, that that act ought not to have been passed? It has been passed. The title belongs to the Indians. That property to-day is surrounded by the homes of the men who bought the Kiowa and Comanche lands; and every acre of the land for which we paid $1 an acre has been taken up by settlers.

Now, there are 505,000 acres of land still remaining, which will make homes for about 3,200 families. They are willing to go in there and buy this land. The land belongs to the Indians. It is surrounded by farms, and it ought to be sold for whatever it will fairly bring in the market. The only limitation we place upon it is that they can sell only one tract of 160 acres to one individual; but this land belongs to the Indians; it is their property, and they should have the right to sell it.

Mr. BURKE of South Dakota. Will the gentleman yield for a question?

Mr. LACEY. Yes.

Mr. BURKE of South Dakota. Is it not true that in the treaty of 1892 they ceded all their right, title, and claims, as I stated?

Mr. LACEY. Well, I will not discuss that. It is immaterial whether it is true or not. Congress did not stand by the cession, but took the balance of the land, which to-day is worth at least from six to eight dollars an acre, which is all occupied, and which has been laid out in towns and farms, and gave back to them 480,000 acres as a part of that transaction. We are not Indians; we can not "take back a gift." The proposition of the gentleman now is to confiscate what was given to them by act of Congress. It is their property and they have a right to all it will bring. We put a limitation in this bill, as I state, which restricts any one man from buying more than one-quarter section. Otherwise, let the land bring what it will; let it be thrown open for settlement.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. LACEY. Yes.

Mr. BURKE of South Dakota. Will the gentleman explain how the Indians can possibly have any title to the wood reservation?

Mr. LACEY. That has been reserved just as the other property has.

Mr. BURKE of South Dakota. By what authority?

Mr. LACEY. By act of Congress.

Mr. BURKE of South Dakota. What act of Congress?

Mr. LACEY. The act of Congress ratified—reserved this land and opened the balance. Now, the gentleman would prefer the settlers to go to South Dakota. We want to open up this additional land, and the gentleman should not stand in the way and block the settlement in Oklahoma in order to keep out those 3,200 families. [Applause.]

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. LACEY. Yes.

Mr. BURKE of South Dakota. I hold in my hand the act of Congress to which the gentleman referred, and I would like him to point out wherein the 25,000 acres are reserved, or any authority given to anyone to reserve them.

Mr. LACEY. The 25,000-acre tract is a wood reserve. That was reserved for the purpose of allowing the Indians to get timber. Four hundred and eighty thousand acres are reserved as a pasturage. It is all valuable agricultural land. It is to-day all in a state of reservation, it is all to-day occupied by Indians, and Congress, as the guardian of the Indians, ought to see to it that this property brings all it is fairly worth.

There is no better way to ascertain what property is fairly worth than to allow it to be sold in the open market. This country will be settled—it will be occupied within twenty-four hours after the opening. There will be the same demand for this land that there

was for the adjoining Kiowa and Comanche lands, and we should not stand here as dogs in the manger and keep this property closed to settlers, when the Indians are entirely willing that the property should be entirely disposed of. I hope this bill will pass. It was unanimously reported by the committee, with the exception of my friend from South Dakota. His idea was that we were giving too much to the Indians, that they were overreaching the white man. Mr. Speaker, the instances where the red man has overreached his white brother are so few that it is hardly worth while for us to exercise ourselves very much about it at this late day. This land now does not belong to us; it belongs to the wards of Congress.

Mr. BURKE of South Dakota. Will the gentleman answer a question?

Mr. LACEY. Certainly.

Mr. BURKE of South Dakota. I would like to ask the gentleman if there has been any petition or any application from these Indians, if they do own this land, that it be sold, and is there any report from the Secretary of the Interior or any other department asking this legislation?

Mr. LACEY. There is not. Their rights here are fully taken care of in this matter. There will be no trouble about that. No objection has been heard. This bill has been on the Calendar a long time, it has been pending a long time, and no objection made to it.

Mr. BURKE of South Dakota. Will the gentleman yield for just one further question?

Mr. LACEY. Very well.

Mr. BURKE of South Dakota. The gentleman states that this bill has been on the Calendar some time. Is it not a fact that it was reported to this House less than a week ago?

Mr. LACEY. I do not remember the date. It has been on the Calendar some time.

Mr. BURKE of South Dakota. It was ordered reported on the 7th and, I think, reported on the 10th.

Mr. LACEY. It was held back from the Calendar about a week in order to give the gentleman from South Dakota opportunity to file a minority report.

Mr. BURKE of South Dakota. The committee met on Thursday, and the gentleman filed his report on Saturday. Mr. Speaker, I want to say just a word further. I believe I have some time remaining.

The SPEAKER. The gentleman has ten minutes remaining.

Mr. BURKE of South Dakota. I want to impress upon the House the fact that if this land does belong to the Indians you dispose of it without any treaty whatever with the Indians.

I want to say, further, that when the treaty was ratified by Congress the amendment was suggested by the Interior Department, and this reservation of 480,000 acres was made by the Secretary of the Interior under the authority given in that amended treaty. The 25,000 acres was reserved upon the motion of the Secretary, without any authority of law whatever, and the Department so far has not been heard from in favor of this bill, which was introduced in the House on February 7, considered at the meeting of the Committee on Indian Affairs a week ago last Thursday, and reported on the following Saturday without a word from the Department asking for this legislation.

I yield such time as I have remaining to the gentleman from New York [Mr. FITZGERALD], if he desires it.

Mr. FITZGERALD. Mr. Speaker, investigation convinces me that this bill should not pass in its present form. I was present at the meeting of the Committee on Indian Affairs when the bill was under consideration, and at that time did not have the information about it which I now possess.

There is one feature of this bill in particular which should receive careful consideration from the House. It is provided in the bill that this land shall be sold at auction to the highest bidder, but that no one person shall be permitted to purchase more than 160 acres. All of the Fort Hall Reservation, with the exception of these 505,000 acres, was opened for settlement under the homestead laws. I am strongly of the opinion that there are many persons who desire to secure great blocks of this land, no matter what the price; and while no one person can purchase at the sale more than 160 acres of land, there is nothing in the law which will prevent any person or combination of persons from having as much land as is desired bid in by representatives, and afterwards by transfers secure control of great blocks of this land.

This, Mr. Speaker, is the first time in my experience that the Committee on Indian Affairs has ever reported a bill which has not been reported upon by the Department of the Interior. When the bill was up for consideration I was under the impression that there was before the committee a report from the Commissioner of Indian Affairs. In that I was mistaken. The passage of this bill is not asked by the Indians themselves, neither is it urged by the Department. In my opinion the Indians have been fully paid for this land, and while I believe that Congress has the right, irrespective of the desire of the Indians, to determine that their lands shall be sold without treaty with the Indians regarding it, this particular land, in my opinion, should not be sold without full investigation by the Department regarding the conditions under which it is proposed to be sold. It has been said this land will bring from $25 to $30 an acre.

The Government has paid to the Indians about $1.25 an acre for it. It has paid the Indians about $613,000 for the land embraced within this bill, and if this bill be passed and the land sold at public auction, the Indians will receive several millions of dollars in addition, and the Government will not even be reimbursed for the expenditure already made. In my opinion the bill should not be passed unless the land, when sold, is sold only to persons who intend to take homesteads upon it. No one person or combination of persons should be permitted to secure, by any method, immense tracts of this very valuable and desirable land.

I yield back whatever time is remaining to the gentleman from South Dakota [Mr. BURKE.]

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent to print as a part of my remarks in the Beaumont matter the minority views which I filed to-day.

The SPEAKER. The gentleman from Maine asks unanimous consent that he may publish the minority report in the Beaumont matter, which was up to-day, with his remarks. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, the gentleman from New York says that this land is worth $25 an acre, and therefore we should take it away from the Indians. That is hardly in keeping with the generous character of his action heretofore in relation to Indian matters.

I read from the opinion of the Supreme Court of the United States in the Lone Wolf case. The court holds that Congress can legislate as to its Indian wards without a treaty. Justice White in that opinion quotes from the statute as follows:

> That in addition to the allotment of lands to said Indians as provided for in this agreement, the Secretary of the Interior shall set aside for the use in common for said Indian tribes 480,000 acres of grazing lands, to be selected by the Secretary of the Interior, either in one or more tracts as will best subserve the interest of said Indians.

This land was set apart to them by act of Congress. It is a late day for us now to say that that land is worth $25 an acre and that we did not give it to them by that act of Congress, which expressly set it apart to them.

Mr. FITZGERALD. Did not the gentleman himself state in the committee that this land would bring about $25 an acre?

Mr. LACEY. Oh, no; I said some of the land was, perhaps, worth that.

Mr. FITZGERALD. The gentleman said expressly that it would bring that.

Mr. LACEY. If it brings that, so much the worse for the gentleman's position. He says it should be taken away from the Indians and given to somebody for homesteads. Certainly the two propositions of the gentleman do not hang together very well—that the land is worth $25 an acre, and that therefore it should be given to the white man for homestead purposes free of charge.

Mr. FITZGERALD. I did not make that statement.

Mr. LACEY. What statement?

Mr. FITZGERALD. That it should be given away for homestead purposes.

Mr. LACEY. Well, the gentleman said it should be opened under the homestead act, as I understood him.

Mr. FITZGERALD. No; I said that any person purchasing should be compelled to comply with the homestead act, so that he could not dispose of it immediately to some one who wanted to secure great tracts. In other words, the question is whether you shall allow the Indians to open up these lands in such a manner as to make the Indians get the best or lowest possible sum for the lands. There is no trouble about that land being devoted to farming.

Indian lands in Kansas were sold years ago under a similar law to this, and every foot of it is occupied by homes of farmers in that community. There is no danger of these rich agricultural lands being gathered together in large tracts for ranches. This land is not of that character. It is cotton land, it is wheat land, it is corn land. A farmer can make a living upon 160 acres of such land. The land ought to be sold. It ought to be opened for settlement, and ought to be occupied. It belongs to the Indians, and as their guardians we have the right to open it in a fair way that will give the Indians a just price for their land, and to deny it is to allow it to stand there blocking the growth of that country. I yield back my time to the gentleman from Texas.

Mr. STEPHENS of Texas. I ask for a vote.

Mr. BURKE of South Dakota. I yield the four minutes remaining to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, it seems to me that it would be a grave mistake for the House to pass the bill under the circumstances detailed. It appears there is no request whatever for this action from the Indian tribes and no recommendation from the Secretary of the Interior. It is asserted here that this tract of land of 480,000 acres does not belong to the Indians at all. It is apparent from a very cursory reading of the treaty that the 25,000 acres of timber land do not belong to them, for this part is not even mentioned in it. There is no reservation of any right to the Indians. Now, under these circumstances it would seem that we are asked to force the proceeds of these 505,000 acres of land upon these Indians against their will. There has already been paid to them, or deposited in the Treasury to their credit, $2,000.000, which is two-thirds of a thousand dollars apiece; and now, whether this land is worth $25 or $1.25 an acre, it would be extravagant and hurtful to them, as well as wasteful, for the Government to give them more.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question?

Mr. BURTON. Certainly.

Mr. STEPHENS of Texas. I would like to ask you how would you start to open this country? It is very desirable that it should be done.

Mr. BURTON. In reply I will state to the gentleman that some evenings since I had a conversation with an Army officer who is a friend of these Indians. He insisted that we should not take away the wood reservation. He believed that the wood reservation should be retained and the pasturage as well. Now, you propose to sell both and take them from the Indians.

Mr. STEPHENS of Texas. These Indians are on the Red River, over 20 miles away. They have taken their allotment where there is some timber.

Mr. BURTON. Twenty miles is not a very long way for an Indian.

Mr. SLAYDEN. Will the gentleman allow me to ask him a question?

Mr. BURTON. Certainly.

Mr. SLAYDEN. I would like to ask the gentleman if he does not realize that it would be better for the Indians to have these lands sold at the price, or approximately the price, or half of the price that is suggested is the value of it and to get the ordinary interest upon that money than for them to retain it and to use it for grazing or leasing it?

Mr. BURTON. I can not give an answer to that question in a moment. I dwelt on that at considerable length two weeks ago.

Mr. SLAYDEN. It is a well-recognized fact that when lands in the grazing country get over a certain value, say $2 or $3 an acre, they cease to be profitable for ordinary range uses, as they are called in the West; that is, for breeding and raising cattle on indigenous grasses.

Mr. BURTON. I do not realy see how that affects this question. The question in my mind here is whether this land belongs to these Indians at all. They have already received $2,000,000 for their land. [Cries of "Vote!"]

The SPEAKER. The time for debate having expired, the question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER. The Chair is of the opinion that two-thirds have not voted for the bill.

Mr. LACEY and Mr. STEPHENS of Texas. Division!

The House divided; and there were—ayes 35, noes 52.

So the House refused to pass the bill.

RIGHT OF WAY THROUGH GOVERNMENT LANDS ON BIG SANDY RIVER, WEST VIRGINIA.

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 16138, with amendments.

The bill as amended was read, as follows:

A bill (H. R. 16138) granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.

Be it enacted, etc., That the Kenova and Big Sandy Railroad Company, a corporation created under and by virtue of the law of the State of West Virginia, its successors and assigns, be, and the same are hereby, empowered to locate, construct, and maintain its railroad through the lands belonging to the United States Government at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, in Wayne County, in the State of West Virginia, under such conditions and upon such lines, and of such widths, as shall be determined and approved by the Secretary of War: *Provided*, That the said company shall pay to the United States such sum of money as the Secretary of War shall decide to be the value of the lands so occupied.

SEC. 2. That the right of way granted herein under the provisions contained in this act shall become inoperative and null and void unless the said company shall, within the term of two years from the 1st of January, 1903, have so far advanced the construction of said road as to satisfy the War Department that said company is lawfully and successfully established and that said road will be completed as proposed within a reasonable time.

SEC. 3. That if in the future, in the construction or operation by the United States of locks, dams, or other improvements to facilitate navigation on the Big Sandy River, or the tributaries thereof, it shall be necessary to utilize any land or other property of the said railroad company, the privilege shall be granted on such terms as shall be determined by the Secretary of War, and the said railroad company shall execute a valid agreement to that effect to be submitted to and approved by the said Secretary of War.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. RICHARDSON of Tennessee. I demand a second.

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. HUGHES. Mr. Speaker, I will say that this is a bill to give the Kenova and Big Sandy Railroad Company the right to pass through the property of Locks Nos. 2 and 3 on the Big Sandy River, and it in no way interferes with the locks. The Government at this point has considerable ground running back to the foot of the hill. The company asked in the original bill for 80 feet. The War Department amended it, and said that they would give them just such ground as they needed. They also suggested another amendment, which is in the bill, that the railroad company should pay to the Government a reasonable compensation, to be agreed upon by the Secretary of War and the railroad company, for this ground. As the bill is amended it gives them just such right of way as they absolutely need through the Government property at Locks 2 and 3 on the Big Sandy River. It in no way interferes with the lock system.

Mr. RICHARDSON of Tennessee. What committee reported the bill?

Mr. HUGHES. It was reported by the River and Harbor Committee, and the committee authorized me to make this report.

Mr. GAINES of Tennessee. Why do they want to use the land?

Mr. HUGHES. Because there is no other way of getting through without digging a tunnel. The Government owns all the bottom land.

Mr. GAINES of Tennessee. What railroad is it?

Mr. HUGHES. It is the Kenova and Big Sandy Railroad, which is a branch of the Norfolk and Western Railroad.

The SPEAKER. The question is on the suspension of the rules and the passage of the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

SAN FRANCISCO MOUNTAINS FOREST RESERVE.

Mr. SMITH of Arizona. Mr. Speaker, I move to suspend the rules and pass the bill (S.6968) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon the conditions herein named the Central Arizona Railway Company, a corporation existing under the laws of the Territory of Arizona, is hereby granted a right of way, conformably to the act entitled "An act granting to railroads a right of way through the public lands of the United States," approved March 3, 1875, and the existing regulations adopted thereunder, over and through the San Francisco Mountains Forest Reserve, in the Territory of Arizona, for a line of railroad from a point at or near Flagstaff, in the county of Coconino, Territory of Arizona, in a southwesterly direction by the most practicable route to the town of Jerome, in the county of Yavapai, Territory of Arizona, and thence in a southeasterly direction to the town of Globe, in the county of Gila, Territory of Arizona, with the right to construct and maintain all necessary side tracks, extensions, switches, spurs, and water stations: *Provided*, That as a condition to obtaining such right of way the said company shall be required to agree, in writing, to conform to such further regulations as may be prescribed by the Secretary of the Interior for the purpose of protecting the said forest reserve and conserving the purposes for which the reserve was established and is maintained; but said company shall not be authorized to take or cut any timber within the limits of said forest reserve outside of its said right of way.

The SPEAKER. The question is on the suspension of the rules and the passage of the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

EXTENSION OF COAL-LAND LAWS TO THE DISTRICT OF ALASKA.

Mr. LACEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 15946) to amend an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900, with an amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900, be, and the same hereby is, amended to read as follows, to wit:

"SECTION 1. That so much of the public-land laws of the United States are hereby extended to the district of Alaska as relate to coal lands, namely, sections 2347 to 2352, inclusive: *Provided*, That such lands, whether surveyed or unsurveyed, may be entered without reference to the limitation contained in the proviso to section 2401 of the Revised Statutes: *And provided further*, That the applicants shall only be required to show, so far as the discovery of

coal is concerned, that it has been discovered on each 40 acres and each fractional part of 40 acres embraced in such application and survey.

"SEC. 2. That the reserved right of way, 60 feet in width, along the shore of navigable waters provided by existing law shall not be in any manner changed by this act; and no entry shall be allowed under this act extending more than 160 rods along the shore of any such navigable waters, and a space of at least 80 rods shall be reserved from entry between all such entries. If the land sought to be entered is unsurveyed, then it must be located in a rectangular form in tracts of 40, 80, or 160 acres, located by north and south lines according to the true meridian, under rules and regulations to be prescribed by the Secretary of the Interior. The location shall be marked upon the ground by permanent monuments at each of the four corners of said location, so that the boundaries of the same may be readily and easily traced; that the plat and application for said location shall within ninety days from the date thereof be filed for record in the recording district in which the land is situated. Said record shall contain the name of the applicant and a plat and description of the land applied for by reference to such natural object or permanent monument as will identify the same.

"SEC. 3. That the Secretary of the Interior shall prescribe rules and regulations for the application, survey, and patenting of coal lands under this act."

The following committee amendment was read:

Strike out all after the enacting clause and insert the following:

"That any person or association of persons qualified to make entry under the coal-land laws of the United States who shall have opened and improved a coal mine or coal mines on the unsurveyed public lands in the district of Alaska, and who may desire to enter and purchase the same according to the provisions of the said coal-land laws before the extension of the public-land surveys over the lands on which such mines are located, shall file in the proper land office an application to enter the lands held and claimed by them, together with a plat and field notes of a survey of the same made under the direction of the surveyor-general of the district of Alaska, showing the boundaries of said tracts and their location as regards permanent natural landmarks or other surveys. All tracts shall be rectangular in form, containing 40, 80, or 160 acres, and distinctly marked by monuments on the ground, and the boundaries of the same shall be true east and west and north and south lines as nearly as practicable. Upon presentation of the said plat and field notes the application, if otherwise regular, shall be accepted as though the tracts sought to be entered were embraced within the regular public-land surveys.

"SEC. 2. That the Secretary of the Interior shall make all necessary rules and regulations for the purpose of carrying into effect the provisions of this act."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. LACEY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. LACEY. Mr. Speaker, this is the unanimous report of the Committee on the Public Lands, after a great deal of time and investigation. The coal-land laws have been extended to Alaska, but they are inoperative because the surveys have not been made, and this bill is drawn so as to enable special surveys to be made. It is the same matter that was discussed when the sundry civil bill was up the other day. The necessity of the bill was presented thoroughly then by gentlemen of the committee. There was an increase in the amount of the appropriation for surveys with a view of aiding in the opening of Alaska. I reserve the balance of my time.

Mr. FINLEY. Mr. Speaker, will the gentleman yield for a question?

Mr. LACEY. I will.

Mr. FINLEY. I would like to know what is the necessity for the passage of this act now in advance of the regular surveys?

Mr. LACEY. Because Alaska has 300,000,000 acres of land and the surveys are very costly. It is hard to get that land surveyed, and the small part of it where the coal lies can be surveyed by the provisions of this bill without incurring the expenditure of a general survey.

Mr. FINLEY. Do I understand that no coal lands will be taken up until after the Government has surveyed them?

Mr. LACEY. They can not be until there is a general survey under the present general law. Although the coal laws have been extended to Alaska they are inoperative because the land can not be taken, for the reason that it has not been surveyed.

Mr. FINLEY. You say the coal lands are limited in area. Will it not follow that persons will go in and take up all there is?

Mr. LACEY. When I said that they were small I meant limited in comparison with the great extent of Alaska; that is, they are perhaps three times the size of South Carolina; but the area of Alaska is so large that I spoke of them in comparison with that great area as small.

Mr. FINLEY. I understand that. I ask the gentleman, will not this legislation enable a few individuals, or a number of individuals, to go there and monopolize all the coal lands?

Mr. LACEY. I do not apprehend any danger of that kind. They must pay $10 an acre for the land——

Mr. FINLEY. Does not the gentleman think it would be wise——

Mr. LACEY. Under the law they will have to pay $10 an acre, and if it is within 15 miles of a railroad they will have to pay $20 an acre. So that there is no danger of monopolization. At present there is no opportunity to get it at all, and of course it can not be monopolized if you can not buy it at all.

The SPEAKER. The question is on suspending the rules and passing the bill with committee amendments.

The question was taken; and in the opinion of the chair, two-thirds having voted in the affirmative, the rules were suspended and the bill as amended was passed.

FORTIFICATION APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 17046, the fortification appropriation bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, may I ask the gentleman who makes this motion how long he intends to keep us here to consider an appropriation bill?

Mr. HEMENWAY. So far as I know, there will be no discussion upon the bill. There are only about 10 pages in the bill.

Mr. RICHARDSON of Tennessee. Well, it is unusual to take up a general appropriation bill at 5 minutes after 5 o'clock.

Mr. HEMENWAY. I think there will be no discussion on the bill.

Mr. RICHARDSON of Tennessee. It will take half an hour to read it.

Mr. HEMENWAY. Oh, no. I will state to the gentleman that there are only a few pages, and as it is near the close of the session I think we had better work until half after 5.

Mr. GAINES of Tennessee. How much does the bill carry?

Mr. HEMENWAY. About $7,000,000.

Mr. GAINES of Tennessee. When was it reported?

Mr. HEMENWAY. Oh, it has been reported for ten days or more. It was reported January 26.

The SPEAKER. The question is on the motion of the gentleman from Indiana, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the fortification appropriation bill.

The question was taken; and on a division (demanded by Mr. HEMENWAY) there were—ayes 51, noes 32.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I make the point of no quorum present.

Mr. PAYNE. Well, Mr. Speaker, as that point is raised, I move that the House do now adjourn.

Mr. CANNON. Mr. Speaker, just a word. I want to ask the gentleman from Tennessee if he does not think that at this stage of the session, this being a short bill, we had better get it over to the Senate?

Mr. RICHARDSON of Tennessee. I think we might have taken it up earlier, instead of some other bills. It is now ten minutes after 5, and I demand the regular order.

The SPEAKER. The question is on the motion of the gentleman from New York.

The motion was agreed to.

Accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 17422) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, reported the same without amendment, accompanied by a report (No. 3778); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 242) to amend an act entitled "An act providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors," approved January 18, 1897, reported the same with amendment, accompanied by a report (No. 3780); which said bill and report were referred to the House Calendar.

Mr. MCCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 15452) to appropriate the sum of $40,000 to the Cape Cod Pilgrim Memorial Association, to be used in erecting at Provincetown, Mass., a suitable memorial of the landing of the Pilgrims, reported the same with amendments, accompanied by a report (No. 3781); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6290) to extend the

provisions of section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands, reported the same with amendments, accompanied by a report (No. 3782); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROWN, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 3620) to provide for the allotment of lands in severalty to the Stockbridge and Munsee tribe of Indians, to authorize the distribution of their trust fund, and for other purposes, reported the same with amendments, accompanied by a report (No. 3783); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 16734) to provide an American register for the steamer *Beaumont*, submitted the views of the minority, to accompany report (No. 3771, part 2); which said views were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DALZELL: A bill (H. R. 17426) to authorize the Pennsylvania Railroad Company to construct and maintain a bridge across the Allegheny River, in the State of Pennsylvania—to the Committee on Interstate and Foreign Commerce.

By Mr. RODEY: A bill (H. R. 17427) to amend section 4 of chapter 665, "An act to provide for an additional associate justice of the supreme court of the Territory of New Mexico," approved July 10, 1890—to the Committee on the Judiciary.

By Mr. McCLEARY: A bill (H. R. 17428) to authorize the construction of a bridge across the Minnesota River near St. Peter, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. REID: A bill (H. R. 17429) authorizing the Purcell and Lexington Street Railway Company to construct and maintain a bridge over the South Canadian River at the city of Purcell, Chickasaw Nation, Ind. T.—to the Committee on Interstate and Foreign Commerce.

By Mr. HEATWOLE: A joint resolution (H. J. Res. 271) providing that the bulletins of the Bureau of American Ethnology be printed in octavo—to the Committee on Printing.

Also, a joint resolution (H. J. Res. 272) providing for printing 2,000 additional copies of the annual reports of the American Historical Association—to the Committee on Printing.

Also, a concurrent resolution (H. C. Res. 88) for printing 300 copies each of the proceedings of the Board of Supervising Inspectors of Steamboats for 1899, 1900, 1901, and 1902—to the Committee on Printing.

By Mr. HUGHES: A joint resolution of the legislature of West Virginia relating to the development and improvement of the Ohio and Little Kanawha rivers and the appointment of a joint committee to take up the matter with the representatives of West Virginia in the upper and lower Houses of Congress—to the Committee on Rivers and Harbors.

By Mr. TIRRELL: A resolution of the Commonwealth of Massachusetts relating to Castle Island—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROUSSARD: A bill (H. R. 17430) for the relief of Virginia Doyal Minor—to the Committee on War Claims.

Also, a bill (H. R. 17431) for the relief of Louis J. Arceneaux—to the Committee on War Claims.

Also, a bill (H. R. 17432) for the relief of Paul Duhon—to the Committee on War Claims.

Also, a bill (H. R. 17433) for the relief of the estate of Duplessin Broussard—to the Committee on War Claims.

By Mr. LATIMER (by request): A bill (H. R. 17434) for the relief of Moses Winstock—to the Committee on War Claims.

By Mr. LITTLE: A bill (H. R. 17435) donating the unsold lots of the United States, being a part of the original Hot Springs Reservation, in the county of Garland, State of Arkansas, to the city of Hot Springs, for the use and benefit of the free public schools of the school district of Hot Springs—to the Committee on the Public Lands.

By Mr. LITTLEFIELD: A bill (H. R. 17436) granting an increase of pension to George F. Knowlton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17437) granting an increase of pension to Mary J. Wheaton—to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 17438) granting an increase of pension to Smoloff P. Love—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: A bill (H. R. 17439) granting a pension to Michael Harrington—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 17440) authorizing the heirs of Fannie P. Murfree, of Tennessee, to present their claims to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 17441) to pay the heirs of Fannie P. Murfree, of Tennessee, for property lost, destroyed, taken, and used by the United States forces during the late war—to the Committee on War Claims.

By Mr. LOVERING: A bill (H. R. 17442) granting a pension to Cordelia H. Roby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17443) granting an increase of pension to Joseph A. Soule—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 17444) for the relief of the heirs of John H. Belew, deceased—to the Committee on War Claims.

By Mr. SMITH of Arizona: A bill (H. R. 17445) for the relief of Charles H. Algert and others similarly situated on the Navajo Indian Reservation in Arizona—to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the legislative board of the Brotherhood of Railroad Trainmen of Pennsylvania, in favor of House bill 15990, known as the employers' liability bill; also favoring the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, favoring the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Resolutions of the Bookbinders' Union of Topeka, Kans., for the repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

By Mr. BURKETT: Resolutions of the Engineers of the Union Pacific Railway System in Nebraska, in favor of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Allied Printing Trades Council relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDERHEAD: Letter of E. B. Cowgill, of Topeka, Kans., relating to House bill 16656, regulating the importation of breeding animals—to the Committee on Ways and Means.

Also, resolutions of Bookbinders' Union No. 237, Topeka, Kans., favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. CURTIS: Resolutions of Bookbinders' Union No. 237, Topeka, Kans., for the repeal of the desert-land law—to the Committee on the Public Lands.

Also, resolutions of the Trades Assembly of Kansas City, Kans., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

Also, resolutions of citizens of Kansas, asking for the passage of the Hanna bill—to the Committee on Pensions.

By Mr. FOWLER: Resolutions of Protection Lodge, No. 2, Brotherhood of Railroad Trainmen, of Phillipsburg, N. J., in favor of the passage of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Union County Trades Council, of Elizabeth, N. J., for the repeal of the desert-land law—to the Committee on the Public Lands.

Also, resolutions of the executive board of New Jersey State Federation of Labor; Essex Trades Council, of Newark, and of Cigar Makers' Union No. 427, of Rahway, N. J., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

Also, resolution of the Society for the Prevention of Cruelty to Animals, Elizabeth, N. J., protesting against the passage of the bill amending the law in relation to the shipment of live stock—to the Committee on Interstate and Foreign Commerce.

Also, petition of retail druggists of Hackettstown, N. J., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolution of Carpenters and Joiners' Union No. 330, of Roselle Park, N. J., urging the passage of House bill 3076, for an eight-hour law—to the Committee on Labor.

Also, resolutions of New Jersey State Council, Elizabeth, N. J., St. Patrick's Alliance of America, in favor of increasing the Navy—to the Committee on Naval Affairs.

Also, resolutions of Bayonne City Lodge, and Hebrew organization of Bayonne, N. J., against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Resolutions of Energetic Lodge, No. 378, Brotherhood of Railroad Trainmen, of Allegheny, Pa., in favor of the passage of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Webster C. Weiss, grand secretary of Grand Council, Royal Arcanum, of Pennsylvania, favoring amendment to the post-office appropriation bill, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON: Resolutions of John A. Logan Post, No. 1, Soldiers' Home, Michigan; Innes Post, No. 408, of Grand Rapids, and Fitzgerald Post, No. 125, of Hastings, Mich., Grand Army of the Republic, in support of House bill 17103, permitting the payment of the value of public lands to persons entitled to make entry upon such lands in certain cases—to the Committee on the Public Lands.

By Mr. HEDGE: Resolutions of Typographical Union No. 68, of Keokuk, Iowa, for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. JENKINS: Petition of Nels Nelson and 200 other citizens of Washburn, Wis., in favor of Senate bill 909, providing for the extension of the free mail delivery service—to the Committee on the Post-Office and Post-Roads.

By Mr. KEHOE: Resolutions of Monon Division, No. 89, Order of Railway Conductors, of Louisville, Ky., in favor of the passage of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KERN: Resolutions of Cigar Makers' Union No. 250, of Belleville, Ill., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

By Mr. LATIMER (by request): Petition of Moses Winstock, of South Carolina, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. OVERSTREET: Petition of Frank Fultz and Fred Bettman and others, of the State of Indiana, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. RUPPERT: Resolutions of Akiba Eger Lodge, No. 37, Order of B'rith Abraham, of New York City, relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. THOMAS of Iowa: Petition of the Woman's Christian Temperance Union of Onawa, Iowa, in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. TOMPKINS of New York: Petition of C. W. Lockwood and other citizens of Port Jervis, N. Y., for the building of thirty battle ships at the rate of six per year for five years—to the Committee on Naval Affairs.

SENATE.

TUESDAY, *February 17, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. QUAY. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. KEAN. I think the Journal had better be read, Mr. President.

The PRESIDENT pro tempore. Objection is made.

The Secretary resumed and concluded the reading of the Journal.

CREDENTIALS.

Mr. TILLMAN presented the credentials of ASBURY C. LATIMER, chosen by the legislature of the State of South Carolina a Senator from that State for the term beginning March 4, 1903; which were read, and ordered to be filed.

PORTO RICAN COFFEE.

The PRESIDENT pro tempore laid before the Senate a communication from the governor of Porto Rico, transmitting a petition to the President and Senate of the United States, praying that among such amendments as may be made to the reciprocity treaty between the United States and the Republic of Cuba, now under consideration, it shall be proposed that Porto Rican coffee be included among those products imported into the Republic of Cuba obtaining the highest rebate; which, with the accompanying paper, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

BUILDING FOR DEPARTMENT OF AGRICULTURE.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Agriculture submitting an estimate of appropriation for carrying into effect the act authorizing the erection of a new building for the Department of Agriculture. The Chair calls the attention of the Senator from Iowa [Mr. ALLISON] to the communication and inquires whether it should go to the Committee on Appropriations or to the Committee on Agriculture and Forestry.

Mr. ALLISON. I think the communication ordinarily would be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The communication and accompanying papers will be referred to the Committee on Appropriations, and printed.

COURT OF PRIVATE LAND CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General inclosing a letter from the United States attorney for the Court of Private Land Claims recommending that the life of that court be extended until December 31, 1903, and submitting an estimate of appropriation for salaries, etc.

Mr. ALLISON. That matter has always been placed on the sundry civil appropriation bill.

The PRESIDENT pro tempore. The communication and accompanying papers will be referred to the Committee on Appropriations, and printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 265) to establish a light-house and fog-signal station on Burrows Island, State of Washington;

A bill (S. 1905) for the erection of a keeper's dwelling at Grosse Isle, North Channel Range, Detroit River, Michigan;

A bill (S. 4577) for the relief of William McCarty Little;

A bill (S. 6968) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona; and

A bill (S. 7288) extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 13605) for the relief of George A. Detchemendy;

A bill (H. R. 14384) to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, in the State of Ohio;

A bill (H. R. 15985) to confirm certain forest lieu selections made under the act approved June 4, 1897;

A bill (H. R. 16069) authorizing the Secretary of the Interior to sell certain lands therein mentioned;

A bill (H. R. 16138) granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.;

A bill (H. R. 16946) to amend an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900;

A bill (H. R. 17052) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.;

A bill (H. R. 17085) to effectuate the provisions of the additional act of the international convention for the protection of industrial property;

A bill (H. R. 17204) to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas; and

A bill (H. R. 17243) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 7053) to regulate commerce with foreign nations and among the States; and it was thereupon signed by the President pro tempore.